

ORDINANCE NO. _____

CONSENT A M E N D M E N T S

1 AN ORDINANCE amending Lincoln Municipal Code Section 2.02.020, Departments of
 2 the City Designated, to redesignate the Personnel Department as the Human Resources Department
 3 and the Personnel Director as the Human Resources Director and to reflect such redesignations
 4 throughout the Lincoln Municipal Code by changing references to Personnel Department to Human
 5 Resources Department and changing Personnel Director to Human Resources Director in Lincoln
 6 Municipal Code Sections 2.02.100, 2.50.020, 2.62.180, 2.65.180, 2.66.140, 2.76.025, 2.76.030,
 7 2.76.035, 2.76.040, 2.76.055, 2.76.080, 2.76.090, 2.76.095, 2.76.100, 2.76.105, 2.76.110, 2.76.115,
 8 2.76.120, 2.76.130, 2.76.135, 2.76.150, 2.76.175, 2.76.202, 2.76.210, 2.76.215, 2.76.230, 2.76.235,
 9 2.76.240, 2.76.250, 2.76.265, 2.76.275, 2.76.320, 2.76.330, 2.76.340, 2.76.380, 2.76.387, 2.76.450,
 10 2.76.465, 2.76.470, 2.76.475, 2.76.485, 2.76.490, 2.76.505, 2.76.515, 2.76.530, 2.76.560, 2.78.010,
 11 2.78.025, 4.62.010, 4.62.015, 4.64.020, 4.66.040; and repealing said sections as hitherto existing.

12 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

13 Section 1. That Section 2.02.020 of the Lincoln Municipal Code be amended to read
 14 as follows:

15 **2.02.020 Departments of the City Designated.**

16 The administration of the affairs of the city shall be performed under the direction and super-
 17 vision of the Mayor by the following departments, each of which shall have the necessary staff and
 18 a director as designated herein:

- 19 (a) Building and Safety - Director of Building and Safety;
- 20 (b) Finance - Finance Director;
- 21 (c) Fire - Fire Chief;
- 22 (d) Health - Health Director;
- 23 (e) Law - City Attorney;
- 24 (f) Library - Library Director;
- 25 (g) Parks and Recreation - Director of Parks and Recreation;

- 1 (h) ~~Personnel~~ Human Resources - ~~Personnel~~ Human Resources Director;
- 2 (i) Planning - Planning Director;
- 3 (j) Police - Chief of Police;
- 4 (k) Public Works and Utilities - Director of Public Works and Utilities;
- 5 (l) Urban Development - Urban Development Director.

6 Section 2. That Section 2.02.100 of the Lincoln Municipal Code be amended to read
7 as follows:

8 **2.02.100 ~~Personnel~~ Human Resources Department.**

9 Under the direction and supervision of the Mayor, the ~~Personnel~~ Human Resources Director
10 shall have charge and supervision of the ~~Personnel~~ personnel department, which shall be called the
11 Human Resources Department. The Risk Management Division is assigned to, and shall be a
12 division of, the ~~Personnel~~ Human Resources Department. The ~~Personnel~~ Human Resources Director
13 shall have such duties as provided by the ordinances of the city, this code, and as may be provided
14 by the Mayor or by the City Council consistent with the Charter of the City of Lincoln.

15 Section 3. That Section 2.50.020 of the Lincoln Municipal Code be amended to read
16 as follows:

17 **2.50.020 ~~Offices Affected.~~**

18 The provisions of the Nebraska General Emergency Succession Act shall apply to and be
19 binding upon all offices and officers of the City of Lincoln, including but not limited to, the follow-
20 ing: Mayor, Council members, Finance Director, Parks and Recreation Director, ~~Personnel~~ Human
21 Resources Director, Planning Director, Director of Public Works and Utilities, City Attorney, Chief
22 of Police, Fire Chief, Health Director, Purchasing Agent, City Clerk, City Treasurer, and City
23 Engineer.

24 Section 4. That Section 2.62.180 of the Lincoln Municipal Code be amended to read
25 as follows:

1 **2.62.180 Plan Administration; Fund Investments.**

2 (a) The ~~Personnel~~ Human Resources Director, or a designated representative of the
3 director, shall act as the Plan Administrator for the Police and Fire Pension Plan.

4 (b) The Plan Administrator, after consulting with the Police and Fire Pension Plan
5 Advisory Committee, may invest all funds of the Police and Fire Pension Fund or may contract with
6 an insurance company, trust company, or other financial institution including, but not limited to,
7 brokerage houses, investment managers, savings and loan associations, banks, credit unions, federal
8 Farmers' Home Administration or Veterans' Administration approved lenders to manage such funds.
9 The funds shall be invested in investments of the nature which individuals of prudence, discretion,
10 and intelligence acquire or retain in dealing with the property of another, and if the insurance
11 company, trust company, or other financial institution contracted with has special skills or is named
12 on the basis of representation of special skills or expertise, such company or institution is under a
13 duty to use such skills. All such investments or contracts shall be approved by the City Council.

14 (c) The City shall anticipate its liability for future payments of retirement benefits under
15 the plan on an actuarial basis and, in order to equalize the tax burden over a period of years, shall
16 levy and collect taxes in each fiscal year sufficient to meet current needs and equalize future
17 payments. The tax shall be in excess of and in addition to all other taxes now or hereafter authorized
18 to be levied by the City. The tax so levied and collected, together with contributions made by
19 members, shall be credited to the Police and Fire Pension Fund in accordance with the terms of
20 Section 401(a)(2) of the Internal Revenue Code of 1986; and any unexpended balance remaining
21 in the fund at the close of the fiscal year shall be reappropriated to the Police and Fire Pension Fund
22 for the ensuing year. Pension payments required by law shall be a general obligation of the City and
23 may be made out of, but not limited to, the fund.

24 The City will conform to the requirements of Section 415(b) of the Internal Revenue Code
25 of 1986 as it applies to the general benefits of this plan.

26 (d) All assets of the Plan shall be held and invested for the sole purpose of meeting the
27 legitimate obligations of the Plan and shall be used for no other purpose. No part of the assets shall
28 be used for or diverted to purposes other than for the exclusive benefit of members and beneficiaries
29 prior to satisfaction of all Plan obligations.

30 Section 5. That Section 2.65.180 of the Lincoln Municipal Code be amended to read
31 as follows:

32 **2.65.180 Plan Administration; Fund Investments.**

33 (a) The ~~Personnel~~ Human Resources Director, or a designated representative of the director,
34 shall act as the Plan Administrator for the Police and Fire Pension Plan.

35 (b) The Plan Administrator, after consulting with the Police and Fire Pension Plan Advisory
36 Committee as hereinafter provided, may invest all funds of the Police and Fire Pension Fund or may

1 contract with an insurance company, trust company, or other financial institution including, but not
2 limited to, brokerage houses, investment managers, savings and loan associations, banks, credit
3 unions, federal Farmers' Home Administration or Veterans' Administration approved lenders to
4 manage such funds. The funds shall be invested in investments of the nature which individuals of
5 prudence, discretion, and intelligence acquire or retain in dealing with the property of another, and
6 if the insurance company, trust company, or other financial institution contracted with has special
7 skills or is named on the basis of representation of special skills or expertise, such company or
8 institution is under a duty to use such skills. All such investments or contracts shall be approved by
9 the City Council.

10 (c) The City shall anticipate its liability for future payments of retirement benefits under the
11 plan on an actuarial basis and, in order to equalize the tax burden over a period of years, shall levy
12 and collect taxes in each fiscal year sufficient to meet current needs and equalize future payments.
13 The tax shall be in excess of and in addition to all other taxes now or hereafter authorized to be
14 levied by the City. The tax so levied and collected, together with contributions made by members,
15 shall be credited to the Police and Fire Pension Fund in accordance with the terms of Section
16 401(a)(2) of the Internal Revenue Code of 1986; and any unexpended balance remaining in the fund
17 at the close of the fiscal year shall be reappropriated to the Police and Fire Pension Fund for the
18 ensuing year. Pension payments required by law shall be a general obligation of the City and may
19 be made out of, but not limited to, the fund.

20 The City will conform to the requirements of Section 415(b) of the Internal Revenue Code
21 of 1986 as it applies to the general benefits of this plan.

22 (d) All assets of the Plan shall be held and invested for the sole purpose of meeting the
23 legitimate obligations of the Plan and shall be used for no other purpose. No part of the assets shall
24 be used for or diverted to purposes other than for the exclusive benefit of members and beneficiaries
25 prior to satisfaction of all Plan obligations.

26 Section 6. That Section 2.66.140 of the Lincoln Municipal Code be amended to read
27 as follows:

28 **2.66.140 Plan Administration; Fund Investments.**

29 (a) The ~~Personnel~~ Human Resources Director, or a designated representative of the director,
30 shall act as the Plan Administrator for the Police and Fire Pension Plan.

31 (b) The Plan Administrator, after consulting with the Police and Fire Pension Plan Advisory
32 Committee as hereinafter provided, may invest all funds of the Police and Fire Pension Fund or may
33 contract with an insurance company, trust company, or other financial institution including, but not
34 limited to, brokerage houses, investment managers, savings and loan associations, banks, credit
35 unions, Federal Farmers' Home Administration or Veterans' Administration approved lenders to
36 manage such funds. The funds shall be invested in investments of the nature which individuals of
37 prudence, discretion, and intelligence acquire or retain in dealing with the property of another, and
38 if the insurance company, trust company, or other financial institution contracted with has special
39 skills or is named on the basis of representation of special skills or expertise, such company or

1 institution is under a duty to use such skills. All such investments or contracts shall be approved by
2 the City Council.

3 (c) The City shall anticipate its liability for future payments of retirement benefits under the
4 plan on an actuarial basis and, in order to equalize the tax burden over a period of years, shall levy
5 and collect taxes in each fiscal year sufficient to meet current needs and equalize future payments.
6 The tax shall be in excess of and in addition to all other taxes now or hereafter authorized to be
7 levied by the City. The tax so levied and collected, together with contributions made by members,
8 shall be credited to the Police and Fire Pension Fund in accordance with the terms of Section
9 401(a)(2) of the Internal Revenue Code of 1986; and any unexpended balance remaining in the fund
10 at the close of the fiscal year shall be reappropriated to the Police and Fire Pension Fund for the
11 ensuing year. Pension payments required by law shall be a general obligation of the City and may
12 be made out of, but not limited to, the fund.

13 The City will conform to the requirements of Section 415(b) of the Internal Revenue Code
14 of 1986 as it applies to the general benefits of this plan.

15 (d) All assets of the Plan shall be held and invested for the sole purpose of meeting the
16 legitimate obligations of the Plan and shall be used for no other purpose. No part of the assets shall
17 be used for or diverted to purposes other than for the exclusive benefit of members and beneficiaries
18 prior to satisfaction of all Plan obligations.

19 Section 7. That Section 2.76.025 of the Lincoln Municipal Code be amended to read
20 as follows:

21 **2.76.025 Amendment of Rules; Procedure.**

22 Amendments and revisions of these rules and regulations not inconsistent with the charter
23 may be initiated by the ~~Personnel~~ Human Resources Director and submitted to the Personnel Board.

24 The Personnel Board shall review such amendments or revisions, conduct hearings thereon, approve
25 or reject such amendments or revisions in whole or in part and with or without modifications, and
26 transmit them with recommendations to the City Council for its consideration and legislative action.

27 All amendments or revisions of these rules and regulations shall have the force and effect of law
28 when enacted as an ordinance by the City Council as prescribed in City of Lincoln Charter, Article
29 IX-A, § 5.

30 Section 8. That Section 2.76.030 of the Lincoln Municipal Code be amended to read
31 as follows:

1 **2.76.030 Administration of Rules.**

2 The ~~Personnel~~ Human Resources Director shall be charged with the responsibility of the
3 administration of the provisions of these rules.

4 Section 9. That Section 2.76.035 of the Lincoln Municipal Code be amended to read
5 as follows:

6
7 **2.76.035 Departmental Rules and Regulations.**

8 These rules and regulations shall not be construed as limiting in any way the power and
9 authority of any department head to make rules and regulations governing the conduct of
10 departmental employees and the performance of departmental function, provided that such
11 departmental rules and regulations shall be consistent with and limited by the provisions of these
12 rules and regulations. Departmental rules and regulations shall be subject to the approval of the
13 ~~Personnel~~ Human Resources Director and shall be published in written form. Such rules and
14 regulations, when approved and published as herein provided, shall have the force and effect of rules
15 and regulations of that department and disciplinary actions may be based upon the breach of any
16 such rules or regulations.

17 Section 10. That Section 2.76.040 of the Lincoln Municipal Code be amended to
18 read as follows:

19 **2.76.040 Definitions.**

20 Whenever in this chapter the following terms are used, they shall have the meanings
21 respectively ascribed to them in this section.

22 **Allocation** shall mean the assignment of a position to a class on the basis of the kind,
23 difficulty, and responsibility of work of the position.

24 **Appointing authority** shall mean the officer or any person having the power by virtue of
25 the charter or other lawfully delegated authority to make appointment to positions in the city service.

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

28 **Board** shall mean Personnel Board.

1 **Certification** shall mean the act of the ~~Personnel~~ Human Resources Director in supplying
2 an appointing authority with the names of applicants who are eligible, in accordance with the
3 provisions of these rules, for appointment to a position for which certification is requested.

4 **Charter** shall mean the Home Rule Charter of the City of Lincoln.

5 **Class or classification** shall mean a position or group of positions that involve similar duties
6 and responsibilities, require similar qualifications, and designated by a single title indicative of the
7 kind of work.

8 **Class specification** shall mean the written description of a class including the title,
9 statements of the duties and responsibilities, and the minimum requirements of education and experi-
10 ence appropriate upon entrance for satisfactory performance in a position of the class.

11 **Demotion** shall mean the movement of an employee from a position in one class to a
12 position in another class having a lower maximum salary rate.

13 **Department** shall mean a major operating functional unit of the executive branch of the city
14 government established in or pursuant to the charter.

15 **Department head** shall mean the officially appointed head of any department.

16 **Director** shall mean the ~~Personnel~~ Human Resources Director.

17 **Eligible** shall mean a person whose name is on an active reemployment, promotion, or
18 eligible list and who may, under these rules, be certified for appointment to a position in the
19 classified service.

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

22 **Full-time employment** shall mean employment in a position which does not normally
23 require less than forty hours work per week.

24 **Immediate family** is defined to be husband, wife, child, father, mother, sister, brother,
25 father-in-law, and mother-in-law.

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

29 **Leave of absence** shall mean an approved period of time during which the employee is not
30 physically present for work.

31 **Original appointment** shall mean appointment to a position in the city service of a person
32 who is not a present employee of the city and who is not being reinstated from a reemployment list.

33 **Overtime** shall mean authorized time worked in excess of the individual's regular work day
34 and/or regular work week, or at a time other than the normally scheduled work hours.

35 **Part-time employment** shall mean employment in a position which normally requires less
36 than forty hours work per week.

37 **Pay period** shall mean payroll payments normally made to employees on a bi-weekly basis.

38 **Performance test** shall mean a test that measures the applicant's skill in performing a
39 specified type of work by evaluating the actual performance of such work.

1 **Probationary employee** shall mean an employee who has not completed his probationary
2 period after original employment.

3 **Probationary period** shall mean a working test period during which an employee, newly
4 appointed from a list, is required to demonstrate his fitness for a position to which said employee
5 is appointed by actual performance of the duties of the position. The probationary period shall not
6 exceed six months.

7 **Promotion** shall mean the movement of an employee from a position of one class to a
8 position of another class having a higher maximum salary rate.

9 **Promotion list** shall mean a list of persons arranged in descending order of their final ratings
10 on examinations for classes of positions for which they have competed in promotional examinations
11 and to which they are qualified for appointment.

12 **Promotional examination** shall mean an examination for positions in a particular class,
13 admission to which is limited to employees in the classified service who meet the qualifications set
14 forth in the announcement of the examination.

15 **Provisional appointment** shall mean an appointment not to exceed ninety calendar days to
16 a classified position pending the establishment of an appropriate list or the return of a classified
17 employee from an extended leave of absence.

18 **Reallocation** shall mean the official determination of the ~~Personnel~~ Human Resources
19 Director that a position be assigned to a class different from the one to which it was previously
20 assigned.

21 **Reemployment list** shall mean a list of persons who have been but are no longer regular
22 employees in a particular class and who are entitled to have their names certified for appointment
23 to a position in that class without examination.

24 **Regular employee** shall mean an employee who has been appointed to a position in the
25 classified service in accordance with these rules after successful completion of a probationary pe-
26 riod.

27 **Reprimand** shall mean a formal written notice to an employee informing the employee of
28 the specific manner in which the employee's conduct or work performance does not meet prescribed
29 standards.

30 **Seasonal employment** shall mean appointment of persons whose employment is expected
31 to be of a seasonal nature and when it is expected that the services of such persons will be no longer
32 necessary at the close of the season for which they have been appointed.

33 **Supervisor** shall mean any person responsible to a superior for directing the work of others.

34 **Temporary employment** shall mean:

- 35 (1) Employment in non-career service positions in the unclassified service, or
36 (2) Employment in career service positions for a specific purpose and limited length
37 of time not to exceed one year.

38 **Transfer** shall mean the movement of an employee from one position to another position
39 of the same class or of another class having the same maximum salary rate involving the
40 performance of similar duties, and requiring essentially the same basic qualifications.

1 **Unassembled examination** shall mean an examination which does not require all candidates
2 to assemble at the same place.

3 **Vacancy** shall mean a duly created position which is not occupied and for which funds have
4 been provided.

5 **Veteran** shall mean a citizen of the United States who has been a member of the Armed
6 Forces of the United States of America and in active service for more than ninety consecutive days
7 in time of any war in which this country has been or shall hereafter be engaged; including the
8 periods between April 6, 1917 and November 11, 1918; between December 7, 1941 and December
9 31, 1946; between June 25, 1950 and January 31, 1955; and between August 5, 1964 and May 7,
10 1975, (and any other legally designated periods), and who has been discharged or released therefrom
11 under honorable conditions; provided, however, that attendance at a school under military orders,
12 except schooling incident to an active enlistment or regular tour of duty, or normal military training
13 as a reserve officer or member of an organized reserve or national guard unit shall not be considered
14 active service within the meaning of this definition; and provided, further, that any such citizen
15 otherwise eligible, who was discharged or released under honorable conditions on account of
16 service-connected injury or illness prior to completion of such ninety-day service shall nevertheless
17 be deemed to be a veteran.

18 **Work day or working day** shall mean any one shift during which a department is open for
19 business or on which an employee is scheduled work.

20 **Work week** shall mean the number of hours regularly scheduled to be worked during any
21 seven consecutive days commencing on a Thursday and ending on the following Wednesday by an
22 individual employee.

23 **Career service** positions shall mean budgeted, full- and part-time positions in the classified
24 service. Employees who occupy career service positions and have status are eligible for benefits.

25 **Non-career service positions** shall mean a temporary, seasonal, intermittent, full- or part-
26 time position in the unclassified service. The term of employment in these positions will either be
27 of a specific duration of time or for a specific purpose or on an as-needed basis. Remuneration for
28 employees in this category will be limited to pay for time actually worked with no eligibility for
29 other employee benefits, except for police trainees and fire trainees who shall be eligible to
30 participate in the group health and dental plans.

31 **Excluded employee** shall mean an employee who is not represented by a bargaining unit due
32 to the confidential nature of work performed. Employees assigned to a pay range prefixed by the
33 letter "E" or "X", and certain designated classifications prefixed by the letter "M" are considered
34 to be "excluded".

35 Section 11. That Section 2.76.055 of the Lincoln Municipal Code be amended to
36 read as follows:

37 **2.76.055 Personnel Board; Membership; Powers and Duties.**

38 There shall be a Personnel Board comprised of five members who shall be appointed by the
39 Mayor and confirmed by the council. The first appointees shall be appointed for terms of one, two,
40 three, four and five years, respectively. Thereafter all appointments shall be for five-year terms.
41 Vacancies in an unexpired term shall be filled by the Mayor by appointment for the remainder of
42 the term, and such appointments shall require the council's confirmation.

1 Members shall be appointed from among persons having the qualifications established in
2 City of Lincoln Charter, Article III, § 4, and one member shall be a city employee, but no other
3 officer or employee of the city shall be eligible for appointment to this board. A member of the
4 board may be removed by the affirmative vote of four members of the council after being given a
5 written statement of the charges against such board member and a hearing, which shall be a public
6 hearing, if so requested by the board member.

7 The board shall annually elect its chairperson and such other officers as it desires from
8 among its members and shall establish its own rules of procedure, provided that three members shall
9 constitute a quorum for the transaction of business and three affirmative votes shall be required for
10 final action on any matter acted upon by the board.

11 The board shall have power and shall be required to:

12 (a) Advise the Mayor, City Council and ~~Personnel~~ Human Resources Director on matters
13 concerning ~~personnel~~ human resource administration, including training programs and the fostering
14 of interest by educational institutions and civic, professional and employee organizations in the
15 improvement of the city service.

16 (b) Review the personnel rules and regulations and amendments thereto developed and
17 recommended by the ~~Personnel~~ Human Resources Director; conduct hearings thereon; approve or
18 reject such rules in whole or in part and with or without modifications; and transmit such rules with
19 recommendations to the council for its consideration and legislative action.

20 (c) Hear appeals by any employee in the classified service from a decision by the
21 appointing authority with respect to a discharge, suspension, or a reduction in classification or pay;
22 and report in writing to the appealing employee and the appointing authority its findings and
23 decisions, which decision shall be binding upon the appointing authority.

24 (d) Make any investigation which it may consider desirable concerning ~~personnel~~ human
25 resource administration in the city service and report to the Mayor and Council its findings,
26 conclusions and recommendations.

27 (e) Perform such other related duties as may be necessary to fulfill its responsibilities
28 under the charter or as may be assigned by the Mayor or council.

29 The Personnel Board, for purposes of conducting any hearing or investigation authorized by
30 this chapter, shall have the power to administer oaths, subpoena witnesses and compel the
31 production of pertinent records and books.

1 Members of the board shall serve without pay.

2 Section 12. That Section 2.76.080 of the Lincoln Municipal Code be amended to
3 read as follows:

4 **2.76.080 Classification Plan; Preparation.**

5 The ~~Personnel~~ Human Resources Director shall ascertain the duties and responsibilities of
6 each position in the classified service. After analyzing this information and consulting with depart-
7 ment heads and other employees, the director shall prepare and submit to the Personnel Board a
8 classification plan which shall group all positions in the classified service into classes based upon
9 their duties and responsibilities. The classification plan shall include class specifications which shall
10 set forth for each class of positions a class title, a statement of duties and responsibilities, and a
11 statement of the qualifications in accordance with provisions of the charter. After the director has
12 developed the classification plan as provided above, the director shall recommend it to the Personnel
13 Board for adoption.

14 Section 13. That Section 2.76.090 of the Lincoln Municipal Code be amended to
15 read as follows:

16 **2.76.090 Classification Plan; Amendments.**

17 Any appointing authority or regular employee in the city service may initiate a request to the
18 ~~Personnel~~ Human Resources Director to amend the classification plan. The ~~Personnel~~ Human
19 Resources Director shall make the necessary investigation of any such request, and may make
20 classification studies or surveys at other times on the director's own initiative. If the director finds
21 that substantial change in organization, the creation or change of positions, or other pertinent
22 conditions make necessary the establishment of a new class, the director shall recommend such
23 amendment to the Personnel Board. The board shall review the amendment, and if it approves with

1 or without change, the amendment shall become effective in the same manner as that provided for
2 the adoption of the classification plan.

3 Section 14. That Section 2.76.095 of the Lincoln Municipal Code be amended to
4 read as follows:

5 **2.76.095 Classification Plan; Allocation of Positions.**

6 As promptly as practicable after the adoption of the classification plan, the ~~Personnel~~ Human
7 Resources Director shall, with the approval of the Personnel Board, allocate each position in the
8 classified service to the appropriate class therein on the basis of its duties and responsibilities. Any
9 employee whose position is allocated to one of the classes as provided shall be given an opportunity
10 to study the specifications for the class to which the employee's position has been allocated and the
11 specifications of other related classes to assist the employee in determining whether the allocation
12 appears correct. Any such employee shall be given the opportunity to request a review and hearing
13 on the allocation so made before the Personnel Board.

14 Section 15. That Section 2.76.100 of the Lincoln Municipal Code be amended to
15 read as follows:

16 **2.76.100 Classification Plan; Administration.**

17 Once the classification plan is adopted, the director shall be charged with the responsibility
18 for its proper continued administration so that it will reflect the duties being performed by each
19 employee in the classified service and the class to which each position is allocated.

20 (a) New allocations. Whenever a department head desires to add a position, a notice of
21 such proposed action together with a description of the duties of the new position shall be submitted
22 to the director in such manner and on such forms as the director shall provide. The director shall
23 promptly allocate such position and shall notify the department head of the official allocation.

24 (b) Reallocation. Whenever a department head desires to make any permanent and
25 substantial change in the duties or responsibilities of a position, written notification of the proposed
26 change shall be submitted to the director for determination of the proper allocation of the position.
27 After due investigation, the director shall promptly notify the department head of such allocation.
28 The director may, upon the director's own initiative or at the request of a department head or regular
29 employee, study the duties of any position to determine if its allocation is proper. Following such
30 study, the director may reallocate the position to the appropriate class.

1 (c) Effect of reallocation. A regular employee occupying a position which has been
2 reallocated shall continue in the position only if the employee possesses the qualifications of training
3 and experience requisite for such position. In any case, where an incumbent is ineligible to continue
4 in the position and is not transferred, promoted, or demoted, the layoff provisions of these rules shall
5 apply. A regular employee whose position is reallocated or reclassified by virtue of a gradual
6 change in the duties and responsibilities and not because of assignment to another position may, at
7 the discretion of the director, qualify for the position under the new classification by successfully
8 passing a noncompetitive examination. If a regular employee's position is, as a result of a position
9 audit, reallocated to a classification with a higher maximum pay range, the provisions of Section
10 2.76.130 shall prevail.

11 (d) Review of allocation. A regular employee may at any time submit a written request
12 to the director for a review of the allocation of the employee's position. This request must set forth
13 the employee's reasons justifying a review. The director shall make an investigation of the position
14 with a view of determining its correct allocation and shall report any findings to the employee. An
15 employee may appeal the allocation of the employee's position to the Personnel Board within seven
16 working days following the receipt of the result of a position audit if the employee's position is
17 downgraded to a class with a lower pay range. An employee whose position allocation results in
18 the position remaining the same shall have the right to request a formal reconsideration by the
19 ~~Personnel~~ Human Resources Director or the director's designated representative knowledgeable
20 about such matters. There shall be no right of appeal from the reconsideration to the Personnel
21 Board.

22 Section 16. That Section 2.76.105 of the Lincoln Municipal Code be amended to
23 read as follows:

24 **2.76.105 Classification Plan; Class Specifications.**

25 (a) Content of specifications. The ~~Personnel~~ Human Resources Director shall provide
26 and may amend, as provided in the rules, written specifications for each class in the classification
27 plan. Each class specification shall include the class title, a description of the duties and re-

1 responsibilities of the work, and a statement of the qualifications a person shall possess to enter upon
2 the duties of a position of the class with reasonable prospects of success.

3 (b) Interpretation of specifications. The definitions in class specifications are descriptive
4 and not restrictive. They are intended to indicate the kinds of positions that are allocated to the
5 several classes as determined by their duties and responsibilities and are not to be construed as
6 declaring what the duties or responsibilities of any position may be, or as limiting or modifying the
7 power of any department head to assign, direct, or control the work of employees under such
8 department head's supervision. The use of a particular expression or illustration as to duties shall
9 not be held to exclude others not mentioned that are of similar kind or quality, nor shall any specific
10 omission necessarily mean that such factor is not included.

11 (c) Use in allocations. In determining the class to which any position should be
12 allocated, the specification describing each class shall be considered as a whole. Consideration shall
13 be given to the general duties, specific tasks, responsibilities, qualification requirements, and
14 relationships to other classes, as a composite description of the kind and employment which the class
15 is intended to embrace.

16 (d) Qualifications statements. Personal qualifications commonly required of an
17 employee in any class, such as good citizenship, honesty, loyalty, sobriety, industry, amenability to
18 supervision and suggestions of superiors for improvement of service, and willingness to cooperate
19 with associates shall be implied as qualifications required for entrance to every class, even though
20 such traits may not be specifically mentioned in the specifications. The statement of qualifications
21 required in the specifications for any class shall constitute the basis and source of authority for the
22 tests to be included in examinations for the class and the evaluation of the qualifications of
23 applicants. Qualifications enumerated in a class specification shall relate to the reasonable standards
24 of experience and training required at the time of original appointment of a new employee and shall
25 not be construed as representing or measuring qualifications which employees already working in
26 such a class may actually possess.

27 Section 17. That Section 2.76.110 of the Lincoln Municipal Code be amended to
28 read as follows:

29 **2.76.110 Classification Plan; Use of Class Titles.**

30 The class title shall be the official title of every position allocated to the class for the purpose
31 of personnel actions and shall be used on all payrolls, budget estimates, and official records and
32 reports relating to the position. Any abbreviations or code symbols requested by a division and
33 approved by the ~~Personnel~~ Human Resources Director, and for payroll or budgetary purposes
34 approved by the Finance Director, may be used in lieu of the class title to designate the class of a

1 position for official records. Any other working title desired and authorized to be used by the
2 department head may be used as a designation of any position for purposes of internal administration
3 or in oral or written contacts with the public.

4 Section 18. That Section 2.76.115 of the Lincoln Municipal Code be amended to
5 read as follows:

6 **2.76.115 Compensation Plan; Preparation.**

7 The ~~Personnel~~ Human Resources Director shall be responsible for developing a
8 recommended pay plan and for periodically reviewing that plan, which shall cover all positions in
9 the classified service and shall be based on the principle of equal pay for equal work. The plan shall
10 prescribe the manner of its administration, including the methods of fixing individual pay rates and
11 of rewarding pay increases within established ranges. The plan shall also, as necessary, reflect those
12 negotiated pay rates included in collective bargaining agreements which have been approved by the
13 City Council.

14 Section 19. That Section 2.76.120 of the Lincoln Municipal Code be amended to
15 read as follows:

16 **2.76.120 Compensation Plan; Adoption.**

17 As soon as practicable, the ~~Personnel~~ Human Resources Director shall prepare a
18 recommended pay plan and, except for those portions of the pay plan reflecting pay rates included
19 in collective bargaining agreements approved by the City Council, shall submit it to the Personnel
20 Board for its consideration and approval. When approved by the Personnel Board, with or without
21 amendments, the plan shall be submitted to the Mayor, who in turn shall submit it along with
22 comments to the council. The plan, including portions reflecting pay rates included in collective
23 bargaining agreements approved by the City Council, shall become effective when adopted as an

1 ordinance by the council. Amendments to the plan shall be made in the same manner as is
2 prescribed herein for the original adoption of the plan.

3 Section 20. That Section 2.76.130 of the Lincoln Municipal Code be amended to read
4 as follows:

5 **2.76.130 Compensation Plan; Position and Pay Range Allocation.**

6 (a) In those cases where a classification prefixed by “M” is allocated to a higher pay
7 range, the employee in the classification shall be paid at the minimum rate of the new pay range or
8 at his current rate of pay if it is within the new pay range, whichever is greater. The Mayor may,
9 with the recommendation of the ~~Personnel~~ Human Resources Director and at the request of a
10 department head, adjust pay when it is consistent with the spirit and purpose of the merit system.
11 There shall be no change in the employee’s eligibility date as a result of such allocation.

12 In those cases where a classification prefixed by “M” is allocated to a lower pay
13 range, an employee in such classification shall be paid at the same rate of pay in the lower pay
14 range; provided, however, if the employee’s rate of pay exceeds the maximum rate of pay in the
15 lower pay range, the employee’s rate of pay shall be frozen until such maximum rate of pay in such
16 lower pay range is increased so that it exceeds the employee’s rate of pay. When the maximum rate
17 meets or exceeds the employee’s frozen rate, the employee’s frozen rate of pay shall then be
18 increased to the maximum rate, but if the maximum rate does not meet or exceed the employee’s
19 frozen rate of pay within one year after such allocation, the employee’s rate of pay will be reduced
20 four and one-half percent or to the maximum rate, whichever results in the smallest decrease in pay,
21 and each year thereafter, the employee’s rate of pay shall be similarly reduced until the employee’s
22 rate of pay equals the maximum rate.

23 (b) In those cases where a classification prefixed by “N”, “X” or “E” is allocated to a
24 higher pay range, the employee in the classification shall be paid at the minimum rate of the new pay
25 range, or at the next higher step in the new range above his present rate of pay, whichever is
26 applicable. There shall be no change in the employee’s eligibility date as a result of such allocation.

27 In those cases where a classification prefixed by “N”, “X” or “E” is allocated to a
28 lower pay range, the employee in the classification shall be paid at the same rate until the pay range
29 is increased to include the employee’s rate of pay. However, if after one year the employee’s rate
30 of pay continues to exceed the maximum rate for the classification as reallocated, he shall begin
31 receiving the maximum rate for that classification.

32 (c) In those cases where a position is reallocated to a classification prefixed by “M” with
33 a higher maximum pay range, the reallocated employee shall be paid at the minimum rate of the new
34 pay range, or five percent above his rate of pay prior to reallocation, whichever is greater. The

1 effective date of the reallocation shall be used to establish a new eligibility date, which shall be one
2 year from the date of the reallocation.

3 In those cases where a position is reallocated to a classification prefixed by “M” with
4 a lower maximum pay range, the same provisions shall apply as have been established for the
5 allocation of a classification to a lower pay range pursuant to subsection (a) of this section.

6 (d) In those cases where a position is reallocated to a classification prefixed by “N”, “X”
7 or “E” with a higher maximum pay range, the rate of the reallocated employee shall be increased
8 to that step in the new pay range next above his rate of pay prior to reallocation. The effective date
9 of the reallocation shall be used to establish a new eligibility date, which shall be one year from the
10 date of the reallocation.

11 In those cases where a position is reallocated to a classification prefixed by “N”, “X”
12 or “E” with a lower maximum pay range, the same provisions shall apply as have been established
13 for the allocation of a classification to a lower pay range pursuant to subsection (b) of this section.

14 (e) In those cases where a position is reallocated to a classification with the same
15 maximum pay range, the rate of the reallocated employee shall remain unchanged and there shall
16 be no change in eligibility date.

17 Section 21. That Section 2.76.135 of the Lincoln Municipal Code be amended to
18 read as follows:

19 **2.76.135 Compensation Plan; Merit Pay Plan Established.**

20 For the purpose of compensating employees on the basis of progressive improvement in job
21 or professional performance in the city service, there is hereby established a merit pay plan of the
22 City of Lincoln which shall consist of established pay ranges for each job classification with set
23 percentage merit pay separations for pay ranges prefixed by “N” or “X”; three and one-quarter
24 percent merit pay separations for pay ranges prefixed by “A”; and two and three-quarters percent
25 merit pay separations for pay ranges prefixed by “C” or “E” therein. Employment will usually begin
26 at step "A", although candidates for employment with special qualifications may be employed at an
27 intermediate step in a pay range upon the request of the appointing authority and with the approval
28 of the ~~Personnel~~ Human Resources Director. The maximum merit pay rate shall be step “J”. Job
29 classifications shall have a maximum of ten merit pay steps; however, there may be job classifica-

1 tions where less than ten steps may be used to reflect the appropriate minimum and maximum pay
2 rates.

3 Section 22. That Section 2.76.150 of the Lincoln Municipal Code be amended to
4 read as follows:

5 **2.76.150 Compensation Plan; Merit Pay Plan; Pay Increases for Exceptional Service.**

6 (a) Increases for exceptional service shall be paid only on recommendation of the
7 department head supported by a convincing showing in writing of exceptional service as related to
8 specific criteria to be recommended by each department applicable to its own work and approved
9 by the Human Resources Director of ~~Personnel~~. Increases for exceptional service will automatically
10 terminate at the expiration of the authorized time unless renewed by the same procedure as is
11 required for original approval. This section applies only to ranges prefixed by “N”, “X”, “F”, “P”,
12 “E”, “A”, or “C”.

13 (b) Additional pay increases to recognize exceptional service may also be granted by
14 awarding a one- or two-step increase which may be authorized for periods of six, twelve, eighteen,
15 or twenty-four pay periods. This section applies only to ranges prefixed by “N”, “X”, “F”, “P”, or
16 “E”.

17 (c) For an employee being paid at the maximum rate of his pay range, a temporary
18 exceptional service increase may be granted. Such pay increase shall not exceed three and one-half
19 percent of the employee’s current annualized salary, or \$300.00, whichever is greater, to be paid in
20 two, four, or six pay periods. This section applies only to ranges prefixed by “N”, “X”, “F”, “P”,
21 “E”, “A”, or “C”.

22 (d) For an employee who is not at the maximum of his pay range, a one- or two-step
23 increase may be authorized for periods of two, four, or six pay periods for employees in pay ranges
24 prefixed by “A” or “C”.

25 (e) The Human Resources Director of ~~Personnel~~ shall annually send a written report to
26 the Mayor listing employees approved for exceptional service pay increases.

27 Section 23. That Section 2.76.175 of the Lincoln Municipal Code be amended to
28 read as follows:

1 **2.76.175 Compensation Plan; Promotion, Transfer, Demotion, or Temporary Promotion.**

2 (a) In the case of promotion for an employee with a pay range prefixed by “N”, “X” or
3 “E”, the rate of the promoted employee shall be increased to that step in the higher range next above
4 his rate of pay prior to promotion. In the case of promotion for an employee with a pay range
5 prefixed by “M”, such increase is intended to be at least five percent. In the case of transfer, the em-
6 ployee’s rate will remain unchanged at the time of transfer. In the case of an involuntary demotion
7 for an employee with a pay range prefixed by “M”, the rate of pay shall be reduced at least four and
8 one-half percent. Under no circumstances shall the new rate exceed the maximum rate for the lower
9 class in the variable merit pay plan.

10 In the case of a voluntary demotion for an employee with a pay range prefixed by
11 “M”, the employee concerned shall normally be paid at the same rate in the lower pay range. If the
12 employee’s rate of pay exceeds the maximum rate of the lower pay range, the employee’s rate of pay
13 shall be frozen (red-circled) until such time that the maximum rate, through general increases, makes
14 sufficient upward movement so that it exceeds the employee’s rate of pay. When the maximum rate
15 meets or exceeds the employee’s frozen (red-circled) rate through general increases, the employee’s
16 frozen rate of pay shall then increase to the maximum rate. However, if after one year the maximum
17 rate does not meet or exceed the employee’s frozen (red-circled) rate of pay, the employee’s rate of
18 pay will be reduced four and one-half percent (4.5%) or to the maximum rate, whichever results in
19 the smallest decrease in pay. Each year thereafter, the employee’s rate of pay shall be reduced an
20 additional four and one-half percent (4.5%) or to the maximum rate, whichever results in the
21 smallest decrease in pay.

22 (b) In the case of demotion for an employee with a pay range prefixed by “N”, “X”, or
23 “E”, the rate of the demoted employee shall be reduced to the next lower step for the lower class and
24 under no circumstances shall the new rate exceed the maximum rate for the lower class in the merit
25 pay plan.

26 (c) A promotion of any employee during such employee’s probationary period shall have
27 the effect of ending the probationary period for that employee and making such employee a regular
28 employee. However, a reclassification of a probationary employee to a position in a newly created
29 class with a higher pay range will not terminate the probationary period.

30 (d) Any regular employee with a pay range prefixed by “M” or “P” may be temporarily
31 promoted to fill a budgeted position which is temporarily vacant and has a higher maximum salary
32 than provided by such employee’s current pay range. Such temporary promotion must first be
33 approved in writing by the director only after the department head demonstrates that the employee
34 is qualified for the vacant position. Once granted, the employee must actually perform the duties
35 of the vacant position and shall be paid at the rate of at least five percent above the employee’s
36 current base salary, or at the minimum rate of the established range of the vacant position, whichever
37 is greater, but any increase in pay greater than five percent must be approved in writing by the
38 Director. No temporary promotion shall be granted for less than forty hours or continue longer than
39 one year from the date of the original assignment and approval by the Director.

40 (e) Any regular employee, with a pay range prefixed by “A” may be temporarily
41 promoted to fill a budgeted position which is temporarily vacant and has a higher maximum salary

1 than provided by such employee's current pay range. Such temporary promotion must first be
2 approved in writing by the director only after the department head demonstrates that the employee
3 is qualified for the vacant position. Once granted, the employee must actually perform the duties
4 of the vacant position and shall be paid at the rate of at least the next higher step above the
5 employee's current rate of pay which results in at least a 3.25% increase, or at the minimum rate of
6 the established range of the vacant position, whichever is greater, but any increase in pay greater
7 than two steps must be approved in writing by the Director. No temporary promotion shall be
8 granted for less than forty hours or continue longer than one year from the date of the original
9 assignment unless specifically authorized by the ~~Personnel~~ Human Resources Director for a longer
10 period of time.

11 Section 24. That Section 2.76.202 of the Lincoln Municipal Code be amended to
12 read as follows:

13 **2.76.202 Wage Adjustment.**

14 When the ~~Personnel~~ Human Resources Director determines that pay for out-of-class pay,
15 temporary promotions, project or crew leader assignments, or the reallocation of an employee to a
16 higher pay range is or has been delayed or is otherwise not in accordance with contract or code
17 provisions, the Director may authorize that the employee be compensated retroactively for up to six
18 months to correct the difference in pay the employee should have received.

19 Section 25. That Section 2.76.210 of the Lincoln Municipal Code be amended to
20 read as follows:

21 **2.76.210 Recruitment and Examinations.**

22 (a) Purpose. It is the purpose of recruitment to provide an equitable and effective means
23 for bringing competent employees into the service. This involves:

24 (1) Announcement of vacancies in the classified service to be filled by
25 appointment so that all who are interested may make application;

- 1 (2) Establishment and administration of tests or other measures designed to
2 determine the ability of applicants to perform the work satisfactorily;
3 (3) The certification of qualified applicants to fill vacancies.

4 (b) Public announcement of vacancies. The ~~Personnel~~ Human Resources Director shall
5 make announcement of all vacancies in the classified service which are to be filled by appointment
6 by means of announcements posted on the official bulletin board of the ~~Personnel~~ Human Resources
7 Department. Length of posting shall be based on type of position being recruited and number of
8 qualified candidates. Announcements of vacancies shall be given such other publicity as the director
9 deems warranted in the interest of attracting adequate numbers of qualified applicants. The
10 announcements shall specify the title and salary range of the class for which the vacancy is
11 announced; the nature of the work to be performed; the minimum qualifications required for the
12 performance of the work of the class; the time, place, and manner of making application; the closing
13 date for receiving applications; and other pertinent information. For those classes for which there
14 is to be continuous recruitment, a statement shall be included in the announcement to the effect that
15 applications will be received until further notice.

16 Section 26. That Section 2.76.215 of the Lincoln Municipal Code be amended to
17 read as follows:

18 **2.76.215 Application.**

19 (a) Application form. All applications shall be made on forms prescribed by the
20 ~~Personnel~~ Human Resources Director and shall be filed with the director on or prior to the closing
21 date specified in the announcement or postmarked before midnight of that date. Applications may
22 require information concerning the applicant's background of training and experience, education,
23 references, residence, physical fitness, and other pertinent information. All applications shall be

1 signed and the truth of the statements contained therein certified by such signature. The director
2 shall require such proof of age, education, experience, and other claims as may be appropriate.

3 (b) Freedom from bias. No question in any application form or in any examination shall
4 be so framed as to elicit any information concerning the political or religious opinions or affiliations
5 or race of any applicant, nor shall inquiry be made concerning such opinions or affiliations and all
6 such disclosures thereof shall be discountenanced, except that the city may inquire whether any
7 person employed or retained in the city service advocates or belongs to an organization advocating
8 the overthrow or change of our government by force or violence.

9 (c) Admission to examinations. Persons who submit applications on or before the last
10 date for filing, and whose applications clearly show that the applicants meet the requirements for
11 admission to the examination as specified in the official announcement, shall be admitted to compete
12 in the examination for which they are applying. Where doubt exists as to whether an applicant
13 meets the requirements for admission to an examination, the ~~Personnel~~ Human Resources Director
14 may authorize conditional admission to the examination, but such action shall not be construed as
15 entitling the applicant to become eligible for certification or appointment until the circumstances
16 leading to the conditional acceptance are clarified to the director's satisfaction. Each applicant
17 whose application has been accepted for any examination shall be notified of the date, time, and
18 place of the examination. No person shall be permitted to take any examination without an
19 authorization or other satisfactory evidence of acceptance or conditional acceptance of their
20 application by the director.

21 Section 27. That Section 2.76.230 of the Lincoln Municipal Code be amended to
22 read as follows:

23 **2.76.230 Disqualification.**

24 The ~~Personnel~~ Human Resources Director may refuse to examine an applicant, or after
25 examination, may disqualify such applicant or remove the applicant's name for an eligible list or

1 refuse to certify the applicant or may consult with the appointing authority in taking steps to remove
2 such person already appointed if the applicant:

- 3 (a) Is found to lack any of the established qualification requirements for the position.
- 4 (b) Is physically or mentally disabled as to be rendered unfit for the performance of the
5 duties of the class.
- 6 (c) Is addicted to the habitual or excessive use of drugs or intoxicating beverages.
- 7 (d) Has made a false statement of material fact in this application.
- 8 (e) Has used or attempted to use political pressure or bribery to secure an advantage in
9 the examination.
- 10 (f) Has directly or indirectly obtained information regarding the examination to which,
11 as an applicant, he was not entitled.
- 12 (g) Has failed to submit the application correctly or within the prescribed time limits.
- 13 (h) Has taken part in the compilation, administration, or correction of the examination
14 for which such person is an applicant.
- 15 (i) Has previously been dismissed from a position in the city service for cause or has
16 resigned while charges for dismissal for cause were pending.
- 17 (j) Has been convicted of a crime or of disgraceful conduct.
- 18 (k) Has willfully violated the provisions of these rules and regulations.
- 19 (l) Has established an unsatisfactory employment or personnel record as evidenced by
20 reference check of such nature as to demonstrate unsuitability for employment.
- 21 (m) Is not within the age limits prescribed in the class specifications.
- 22 (n) Or for such other reasons considered by the director that employment of the
23 individual would be detrimental to the best interests of the city.

24 Whenever an application is rejected, notice of such rejection shall be given to the applicant
25 by the director. Applications, whether accepted or rejected, shall remain on file and shall not be
26 returned.

27 Section 28. That Section 2.76.235 of the Lincoln Municipal Code be amended to
28 read as follows:

29 **2.76.235 Examinations; Selection by Examination.**

30 All appointments to positions in the classified service shall be made according to merit and
31 fitness. Merit and fitness shall be ascertained insofar as practicable by examinations which shall be
32 prepared by or under the direction of the ~~Personnel~~ Human Resources Director and shall relate to
33 those matters which will test fairly the capacity and fitness of candidates to discharge efficiently the
34 duties of the positions for which examinations are held. Admittance to such examinations may be

1 limited to regular employees in the city service when the ~~Personnel~~ Human Resources Director, after
2 consultation with the department head concerned, determines that there are a sufficient number of
3 qualified candidates within the classified service to provide competition.

4 Section 29. That Section 2.76.240 of the Lincoln Municipal Code be amended to
5 read as follows:

6 **2.76.240 Examinations; Eligibility Requirements.**

7 (a) Open competitive examinations. Examinations designed to establish eligible lists shall
8 be open to all citizens of the United States, regardless of residence, registered aliens, and persons
9 who have obtained working papers from the federal government who may be lawfully appointed to
10 a position in the class concerned, and who appear to meet the qualifications and other requirements
11 for the class as set forth in the vacancy announcement.

12 (b) Promotional examinations. Promotional examinations shall be open to any employee
13 who appears to meet the qualifications. Admission to promotional examinations may be restricted
14 by the ~~Personnel~~ Human Resources Director to employees of a specific division or department when
15 such action is in the best interest of the city.

16 Section 30. That Section 2.76.250 of the Lincoln Municipal Code be amended to
17 read as follows:

18 **2.76.250 Examinations; Examinations Administration.**

19 (a) Conduct of examinations. Examinations shall be announced and held at such times
20 and places as, in the judgment of the director, most nearly meet the needs of the service. The tests
21 shall be conducted either by the ~~Personnel~~ Human Resources Director or by persons designated by
22 the director.

23 (b) Anonymity of applicants. All reasonable precautions shall be taken to preserve the
24 anonymity of applicants in the conduct and scoring of written examinations.

25 Section 31. That Section 2.76.265 of the Lincoln Municipal Code be amended to
26 read as follows:

1 **2.76.265 Examinations; Consultants.**

2 In the development of examinations, the ~~Personnel~~ Human Resources Director may confer
3 with the department heads concerned and with others skilled in or familiar with work requirements
4 of the class to be tested. Any special test or skill requirements shall be published in the examination
5 notice. The director may also select individuals to serve as examiners. Final test material shall be
6 known only to the director, the Personnel Board, and to employees of the ~~Personnel~~ Human
7 Resources Department. Every precaution shall be exercised by all persons participating in the de-
8 velopment of tests to maintain the highest integrity in examination.

9 Section 32. That Section 2.76.320 of the Lincoln Municipal Code be amended to
10 read as follows:

11 **2.76.320 Removal of Names from Lists.**

12 The director may remove or withhold from certification the name of an eligible on a list for
13 any of the following reasons:

- 14 (a) Appointment to fill a vacancy in the same class or another class having the same or
15 a higher minimum salary;
- 16 (b) Filing of a statement by the eligible that such eligible is not willing to accept
17 appointment;
- 18 (c) Declination of an appointment under such conditions as an eligible previously had
19 indicated such eligible would accept;
- 20 (d) Failure to respond by a specific date to any written inquiry of the director relative to
21 availability for appointment;
- 22 (e) Consideration for a permanent appointment from one list by three different
23 department heads or three times by one department head and not appointed;
- 24 (f) Any cause specified in Section 2.76.230 of this code;
- 25 (g) Failure to report for duty within the times prescribed by the department head;
- 26 (h) Expiration of the term of eligibility on the eligible list;

- 27 (i) Failure to maintain a record of current address at the ~~Personnel~~ Human Resources
28 Department. For this purpose, the return of a letter by the postal authorities, if properly addressed
29 to the last address on record, shall be deemed sufficient grounds for such action; and

- 30 (j) In the case of promotion lists, upon termination of city service.

1 Whenever the director removes or withholds from certification the name of an eligible on
2 a list, the director shall inform such person of the reasons therefor.

3 Section 33. That Section 2.76.330 of the Lincoln Municipal Code be amended to
4 read as follows:

5 **2.76.330 Availability of Eligibles.**

6 It shall be the responsibility of eligibles to notify the ~~Personnel~~ Human Resources
7 Department in writing of any change in address or other change affecting availability for
8 employment. However, the director may circularize lists or use other methods to determine at any
9 time the availability of eligibles. Whenever an eligible submits a written statement restricting the
10 conditions under which such eligible will be available for employment, such eligible's name shall
11 be withheld from all certifications which do not meet the conditions such eligible has specified. An
12 eligible may file a new written statement at any time within the duration of an eligible list modifying
13 any prior statement as to conditions under which the eligible will be available for employment.

14 Section 34. That Section 2.76.340 of the Lincoln Municipal Code be amended to
15 read as follows:

16 **2.76.340 Appointments.**

17 (a) Probationary appointments.

18 (1) There is hereby established a probationary or working test period which shall
19 normally be of six months' duration after original appointment. During the probationary appoint-
20 ment, which is within the unclassified service, a probationary employee may be dismissed by the
21 appointing authority without the right of the employee to review of any kind. Notice of dismissal
22 within the probationary period may be given to the employee verbally, and no statement of reason
23 to the employee is mandatory on the part of the appointing authority. Notification of any dismissal
24 of a probationary employee shall be made in writing by the appointing authority to the ~~Personnel~~

1 Human Resources Director, together with a report in writing of the reasons for the dismissal, in
2 order that the ~~Personnel~~ Human Resources Director may determine whether or not the name of such
3 dismissed probationary employee should be restored to the eligible list. The ~~Personnel~~ Human
4 Resources Director may, if he deems it advisable, restore to its original place on the list the name
5 of any person dismissed during the probationary period; provided, that the name of the person who
6 has been dismissed a second time during a probationary period shall not be restored to a list.

7 (2) At least ten working days prior to the expiration of an employee's
8 probationary period, the appointing authority shall notify the director in writing whether the services
9 of the employee have been satisfactory and whether the employee will be continued in his position.
10 A copy of this notice shall be given to the employee by the appointing authority. Upon receipt by
11 the director of a favorable report, the appointment of the employee shall be made regular at the
12 expiration of the probationary period. Failure of the appointing authority to accomplish such notice
13 prior to the last day of the probationary period will result in the employee establishing permanent
14 status automatically.

15 (b) Temporary appointments. Whenever there are urgent reasons for temporary
16 employment in any of the departments, and it is not practicable to secure the needed person or
17 persons by certification from an eligible list, the appointing authority may make temporary
18 appointments for a period not to exceed one year. Successive temporary appointments to the same
19 position shall not be made. An employee under a temporary appointment which is within the
20 unclassified service may be dismissed by the appointing authority without the right of the employee
21 to review of any kind. Any person under temporary appointment must meet the minimum qualifica-
22 tions for the position.

23 (c) Full-time, seasonal, and part-time appointments. Appointments to fill vacancies in
24 full-time, seasonal, and part-time positions shall be made only following certification from an
25 eligible, reemployment, or promotional list. The director shall be notified in writing of the selection
26 made by the appointing authority as provided in Section 2.76.335(b) of this code. If the eligible se-
27 lected declines the appointment, evidence of such refusal shall be transmitted to the director; and
28 the director shall certify an additional eligible in place thereof.

29 (d) Provisional appointments. When there is no appropriate list available, when there
30 is not a sufficient number of persons on appropriate lists who are willing to accept appointment, or
31 for the purpose of filling the position of an employee in the classified service who is on extended
32 leave of absence, the director may authorize the provisional appointment of a person meeting the
33 prerequisites for the class to which the position is allocated. Any such provisional appointment shall
34 terminate not later than ten working days after the establishment by the director of an appropriate
35 list and the certification of available eligibles for the position from this list. Any time served by an
36 employee under a provisional appointment shall not constitute a part of or be deducted from the
37 probationary period if the employee is subsequently appointed from a list to the same or another
38 position. Provisional appointments shall be limited to ninety calendar days in duration.

1 Section 35. That Section 2.76.380 of the Lincoln Municipal Code be amended to
2 read as follows:

3 **2.76.380 Sick Leave with Pay.**

4 Subsections (a) through (i) shall apply to employees not represented by a bargaining unit.

5 (a) Amount. For employees with a pay range prefixed by “A”, “C”, “E”, “F”, “M”, or
6 “P”, sick leave shall be earned by each employee at the factored hourly equivalent of 3.69 hours per
7 pay period, or 5.54 hours per pay period for an employee with a pay range prefixed by “F” or “M”
8 who works a fifty-six hour work week. Earnings shall be computed only for those hours when an
9 eligible employee is in a pay status, excluding overtime.

10 (b) Amount. For employees with a pay range prefixed by “N” or “X”, sick leave shall
11 be earned by each employee at the factored hourly equivalent of 101 hours per year. Earnings shall
12 be computed only for those hours when an eligible employee is in a pay status, excluding overtime.

13 (c) When taken. Sick leave will be paid only when an employee is unable to perform
14 work duties due to actual personal illness, noncompensable bodily injury, pregnancy, or disease,
15 exposure to contagious disease under circumstances in which the health of other employees or the
16 public would be endangered by attendance on duty, or to keep a medical or dental appointment and
17 for no other reason. A sick leave pay account will be established and funds appropriated for that
18 reason only. Sick leave with pay is intended to be paid on account of sickness rather than a
19 continuation of salary.

20 Sick leave must be earned before it can be granted, and advancing sick leave is prohibited.
21 An employee may utilize no more than his accrued balance of sick leave. When an employee finds
22 it necessary to be absent for any of the reasons specified herein, the employee shall cause the facts
23 to be reported to his department head in accordance with departmental rules and regulations.

24 Sick leave shall be earned, but not be granted, during the probationary period occurring after
25 original appointment. An employee must keep his department head informed of his condition. This
26 shall be on a daily basis unless waived by the department head or designated representative. An em-
27 ployee may be required by the ~~Personnel~~ Human Resources Director to submit a medical certificate
28 for any absence. Failure to fulfill these requirements may result in denial of sick leave. No refund
29 of vacation time shall be allowed due to illness incurred while on vacation leave. Sick leave shall
30 not accrue during any period of leave of absence without pay.

31 (d) Accumulated sick leave. The accumulation of unused sick leave is unlimited.

32 (e) Unused sick leave. Upon retirement, death or reduction in force, an employee with
33 a pay range prefixed by “M” shall have sixty-five percent (65%) of his accumulated sick leave
34 balance paid into the employee’s PEHP premium account. The rate of payment shall be based upon

1 the employee's regular hourly rate of pay at the time the employee retires, is laid off, or at the time
2 of the employee's death.

3 Upon retirement, death or reduction in force, an employee with a pay range prefixed
4 by "E", "N" or "X", or the employee's beneficiary, shall be paid one-half of his accumulated sick
5 leave in accordance with the applicable terms of the City of Lincoln ~~Personnel~~ Human Resources
6 Department policies. The rate of payment shall be based upon the employee's regular hourly rate
7 of pay at the time the employee retires, is laid off, or at the time of the employee's death.

8 Upon resignation, a regular employee with a pay range prefixed by "N" or "X" shall
9 be paid 33% of his accumulated sick leave. The rate of payment shall be based upon the employee's
10 regular hourly rate of pay at the time the employee resigns.

11 Upon retirement, death or reduction in force, an employee with a pay range prefixed
12 by "A" or "C", or the employee's beneficiary, shall be paid 25% of the employee's accumulated
13 unused sick leave in cash, and an additional 25% of the employee's accumulated unused sick leave
14 into the employee's PEHP premium account. The rate of payment shall be based upon the
15 employee's regular hourly rate of pay at the time the employee retires, is laid off, or at the time of
16 the employee's death.

17 Upon resignation, a regular employee with a pay range prefixed by a "A", "C" or "E"
18 shall be paid 35% of his accumulated sick leave in cash. The rate of payment shall be based upon
19 the employee's regular hourly rate of pay at the time the employee resigns.

20 (f) An employee with a pay range prefixed by "A" or "C" may be granted time off for
21 a maximum of eighty hours in each calendar year, commencing with the first pay period beginning
22 in January, for illness in the employee's immediate family. Immediate family will also include any
23 other family member, whether it be by blood, marriage, legal adoption, or foster children, residing
24 in the household. Family sick leave may also be granted to an employee who has been appointed
25 by a court of competent jurisdiction as legal guardian of any person, with proper documentation.
26 Such time off will be deducted from the employee's accumulated sick leave. Upon written request
27 from an employee in the above-referenced pay ranges, the ~~Personnel~~ Human Resources Director

1 may waive the eighty hour limit after reviewing the individual circumstances in support of the
2 request.

3 (g) An employee with a pay range prefixed by “N” or “X” may be granted time off for
4 a maximum of sixty hours in each calendar year, commencing with the first pay period beginning
5 in January, for illness in the employee’s immediate family. For purposes of this subsection (g), the
6 term immediate family shall include the employee’s mother, father, sister, brother, husband, wife,
7 child, foster child, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepmother, stepfather,
8 stepchild, stepgrandchild, grandparent, grandchild, and the grandparent of the employee’s spouse,
9 or any other relative residing in the household. Family sick leave may also be granted to an
10 employee who has been appointed by a court of competent jurisdiction as legal guardian of any
11 person, with proper documentation. Such time off will be deducted from the employee’s
12 accumulated sick leave. Upon written request from an employee in the above-referenced pay ranges,
13 the ~~Personnel~~ Human Resources Director may waive the sixty hour limit after reviewing the
14 individual circumstances in support of the request.

15 (h) An employee with a pay range prefixed by “E” may be granted time off for a
16 maximum of eighty hours in each calendar year, commencing with the first pay period beginning
17 in January, for illness in the employee’s immediate family. For purposes of this subsection (h), the
18 term immediate family shall include the employee’s mother, father, sister, brother, husband, wife,
19 child, foster child, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepmother, stepfather,
20 stepchild, stepgrandchild, grandparent, grandchild, and the grandparent of the employee’s spouse.
21 Immediate family will also include any other family member, whether it be by blood, marriage, legal
22 adoption, or foster children, residing in the household. Family sick leave may also be granted to an

1 employee who has been appointed by a court of competent jurisdiction as legal guardian of any
2 person, with proper documentation. Such time off will be deducted from the employee's accumu-
3 lated sick leave. Upon written request from an employee in the above-referenced pay ranges, the
4 ~~Personnel~~ Human Resources Director may waive the eighty hour limit after reviewing the individual
5 circumstances in support of the request.

6 (i) An employee with a pay range prefixed by "M" may be granted time off for a
7 maximum of eighty hours in each calendar year, commencing with the first pay period beginning
8 in January, for illness in the employee's immediate family. For purposes of this subsection (i), the
9 term immediate family shall include the employee's mother, father, sister, brother, husband, wife,
10 child, foster child, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepmother, stepfather,
11 stepchild, step-grandchild, grandparent, grandchild, and the grandparent of the employee's spouse.
12 Immediate family will also include any other family member, whether it be by blood, marriage, legal
13 adoption, or foster children, residing in the household. Family sick leave may also be granted to an
14 employee who has been appointed by a court of competent jurisdiction as legal guardian of any
15 person, with proper documentation. Such time off will be deducted from the employee's
16 accumulated sick leave. Upon written request from an employee in the above-referenced pay range,
17 the ~~Personnel~~ Human Resources Director may waive the eighty hour limit after reviewing the
18 individual circumstances in support of the request.

19 Section 36. That Section 2.76.387 of the Lincoln Municipal Code be amended to
20 read as follows:

21 **2.76.387 Bereavement Leave.**

22 A probationary or regular employee with a pay range prefixed by the letter "A" or "C" shall
23 be granted bereavement leave as follows:

1 (a) In the case of the death of the employee's spouse, parent, step parent, sibling, child,
2 step-child, mother-in-law, father-in-law, grandparent, great grandparent, grandchild, great
3 grandchild, or in the case of the death of any other relative residing in the immediate household of
4 a regular employee, the employee shall be allowed four (4) days (thirty-two hours) bereavement
5 leave with regular pay without deduction from the employee's pay or accumulated sick leave. In
6 addition, the employee may be allowed to use up to two (2) days (sixteen hours) of the employee's
7 accumulated sick leave in the case of the death of any above designated persons. Bereavement
8 Leave may be taken non-consecutively with approval from the Department Head or ~~Personnel~~
9 Human Resources Director when circumstances warrant.

10 (b) In the case of the death of the employee's or employee's spouse's daughter-in-law,
11 son-in-law, sister-in-law, brother-in-law, aunt, uncle, nephew, niece, employee's spouse's
12 grandparents, or foster child residing in the immediate household of the employee, the regular
13 employee shall be allowed two (2) days (sixteen hours) bereavement leave with regular pay without
14 deduction from the employee's pay or accumulated sick leave. Further, the employee may also be
15 allowed to use up to three (3) working days (twenty-four hours) of the employee's accumulated sick
16 leave in the case of death of any of the above-designated persons.

17 (c) For purpose of this section, death of an employee's spouse shall not terminate the
18 employee's in-law relationship with the spouse's family unless the employee has remarried.

19 (d) A regular employee may be allowed up to two (2) hours time off with pay to attend
20 the funeral of a currently employed co-worker or former co-worker, provided however, that such
21 permission is granted by the employee's Department Head or their designated representative.

22 Section 37. That Section 2.76.450 of the Lincoln Municipal Code be amended to
23 read as follows:

24 **2.76.450 Reprimand.**

25 A department head may reprimand any employee for cause. Such reprimand shall be in
26 writing and addressed and presented to the employee who will initial receipt. A signed copy shall
27 be delivered to the ~~Personnel~~ Human Resources Department for inclusion in the employee's

1 personnel file. The employee may submit an explanation or rebuttal. Reprimands may not be
2 appealed to the Personnel Board.

3 Written reprimands and rebuttals or explanations thereof shall be removed from an
4 employee's personnel file, including such files within a department, one year after the filing thereof,
5 provided there is a written request for removal from the affected employee. This section shall apply
6 only to ranges prefixed by "E", "M", "N", "C", "A", or "X".

7 Section 38. That Section 2.76.465 of the Lincoln Municipal Code be amended to
8 read as follows:

9 **2.76.465 Dismissal.**

10 A department head may dismiss for cause any regular employee under the department head's
11 jurisdiction by delivering at least ten working days before the effective date of dismissal a written
12 statement of the reasons for dismissal to the employee concerned and to the director. If the
13 department head, because of the reasons for the dismissal, desires to make an immediate separation
14 from the service, the department head may make a suspension without pay pending dismissal. By
15 so notifying the employee and the director in writing, such action shall result in permanent
16 separation at the end of the period of such suspension. Suspensions pending dismissal shall not be
17 subject to the limitations provided in other sections of these rules. In notifying the employee of
18 dismissal as provided, the department head shall also advise the employee of the right to a pre-
19 termination hearing. Any regular employee who has been terminated may appeal for a hearing
20 before the Personnel Board. The appeal must be submitted in writing to the ~~Personnel~~ Human
21 Resources Director or a designated representative any time after written notice of, but no later than
22 ten working days after, the effective date of the termination.

23 Section 39. That Section 2.76.470 of the Lincoln Municipal Code be amended to
24 read as follows:

1 **2.76.470 Reduction in Force; Layoff.**

2 A department head may separate any employee without prejudice because of lack of funds
3 or curtailment of work after giving written notice of at least ten working days to such employee.
4 However, no regular employee shall be separated from any department while there are provisional,
5 probationary, or temporary employees serving in the same class of positions in that department.
6 Whenever a classified position is abolished or a reduction in force becomes necessary, layoffs shall
7 be in reverse order of total service with the city when the qualification of the employees to perform
8 the available work are substantially equal; otherwise, the employees best qualified to perform the
9 work shall be retained. Such departures from the regular reduction in force procedures and the
10 reasons therefor shall be reported to the ~~Personnel~~ Human Resources Director. Any employee
11 adversely affected by such action may appeal in writing to the Personnel Board within ten working
12 days of the receipt of the written notice of a reduction in force.

13 (a) Laid-off employees on reemployment lists. The names of regular employees who
14 have been laid off shall be placed on the appropriate reemployment list in accordance with Section
15 2.76.305 of these rules.

16 (b) Appointment of laid-off employees to lower class. An appointing authority may, with
17 the approval of the director, appoint an employee who is to be laid off to an existing vacancy in a
18 lower class for which he is qualified.

19 Section 40. That Section 2.76.475 of the Lincoln Municipal Code be amended to
20 read as follows:

21 **2.76.475 Grievance Procedure.**

22 (a) Statement of policy. It shall be the policy of the City of Lincoln to give regular
23 employees an opportunity to discuss their grievances with the city in order to find mutually satisfac-
24 tory solutions as rapidly as possible. The grievance procedure set forth herein is designed to preserve
25 harmony and friendly relations between the city and its employees. Furthermore, the grievance
26 procedure is to provide a just and equitable method for the resolution of grievances without dis-
27 crimination, coercion, restraint, or reprisal against any employee who may submit or be involved
28 in a grievance. The grievance procedure shall not be used to change any provisions of the personnel
29 code, municipal ordinances, or filed for the purpose of getting an established policy, standard, or

1 procedure changed. Employees represented by collective bargaining units or agents shall be
2 required to use the grievance procedures provided for under the terms of their agreement.

3 (b) Definition. A grievance shall mean any disagreement concerning the interpretation
4 or application of the specific and expressed provisions or terms of the City Personnel Code or
5 applicable municipal ordinances relating to compensation, working conditions, or fringe benefits
6 but disagreements relating to the substantive terms or provisions of those ordinances or the
7 personnel code shall not be considered grievances.

8 (c) Form. In reducing a grievance to writing, the following information must be stated
9 with reasonable clearness: The exact nature of the grievance, the act or acts of commission or
10 omission, the exact date of the act or acts of commission or omission, the identity of the party or
11 parties who claim to be aggrieved, the identity of the party or parties alleged to have caused the
12 grievance, the specific provisions of the City Personnel Code or municipal ordinances that are
13 alleged to have been violated, and the remedy which is sought.

14 (d) Employee procedure. The city urges all employees to raise any matters of
15 disagreement or any suggestions with their immediate supervisor in order to informally resolve as
16 many matters as possible. In the event that satisfactory settlement is not or cannot be reached under
17 such a procedure, grievances shall be processed in the following manner:

18 (1) Step One. Any regular employee having a grievance, or the employee's
19 designated representative, shall first present the grievance orally to the employee's division
20 supervisor or the supervisor's designated representative within fifteen working days after its
21 occurrence. The supervisor shall then attempt to adjust the matter and shall respond to the employee
22 or designated representative within fifteen working days after the presentation of the grievance.

23 (2) Step Two. If satisfactory settlement is not reached under Step One, the
24 grievance shall be presented by the employee or the employee's designated representative to the
25 employee's department head in writing within fifteen working days after the expiration of the time
26 limit set forth in Step One above. The department head shall issue a written decision to the employee
27 or the employee's designated representative within fifteen working days from the date of receipt of
28 the grievance.

29 (3) Step Three. If satisfactory settlement is not reached under Step Two, the
30 employee or the employee's designated representative shall resubmit the grievance described in Step
31 One above in writing within fifteen working days of receipt of the response from the department
32 head as outlined under Step Two above to the ~~Personnel~~ Human Resources Director or the director's
33 designated representative for submission to the Personnel Board. The Personnel Board shall hold
34 a hearing with the employee or the employee's designated representative within twenty-five working
35 days, or as soon as reasonably possible, after the receipt of the grievance in an attempt to settle the
36 grievance. The Personnel Board shall transmit a written answer to the employee or the employee's

1 designated representative within fifteen working days after such meeting. The decision of the
2 Personnel Board shall be final and binding upon the appointing authority.

3 Section 41. That Section 2.76.485 of the Lincoln Municipal Code be amended to
4 read as follows:

5 **2.76.485 Investigations.**

6 (a) Conduct of Investigations. In connection with its review of an appeal or for any other
7 purpose necessary to determine the adherence to any provision of the charter regarding personnel
8 administration of these rules, the Personnel Board and/or the ~~Personnel~~ Human Resources Director
9 may conduct such investigations as are necessary. In the conduct of any such investigation, the
10 Personnel Board and/or the ~~Personnel~~ Human Resources Director may request the necessary
11 investigative personnel from the Mayor. Any investigation involving production of records or
12 reports by a city department shall be conducted in such a manner as to cause the least possible
13 disruption or inconvenience to such office in the conduct of its regular work.

14 (b) Failure to Respond to Subpoenas-Penalty. The Personnel Board shall have the power
15 to administer oaths, subpoena witnesses, and compel the production of books and records pertinent
16 to any investigation or hearing it is authorized to conduct. Any person who fails to appear in
17 response to a subpoena, to answer any question, or to produce any books or records pertinent to any
18 such hearing or investigation, or who shall knowingly give false testimony therein shall be subject
19 to dismissal and shall also be guilty of a misdemeanor, punishable by imprisonment in the county
20 jail for a period not to exceed six months, or by a fine not to exceed \$100.00 recoverable with costs,
21 or both.

22 Section 42. That Section 2.76.490 of the Lincoln Municipal Code be amended to
23 read as follows:

24
25 **2.76.490 Personnel Code Hearings.**

26 (a) Notice of hearing: Public hearings required by the charter or these rules to be held
27 by the Personnel Board shall be held only after suitable notice has been given. Such notice shall set
28 forth the time, date, place, and purpose of the hearing. A copy of the notice shall be posted on the

1 official bulletin board of the ~~Personnel~~ Human Resources Department and sent to all interested
2 parties at least three working days in advance of the date set for the hearing. A hearing on an appeal
3 by an individual employee or department head provided for by the charter or these rules shall be
4 preceded by written notice sent by certified mail at least three working days in advance of the date
5 of the hearing to each appellant and to the administrative officers affected thereby. Such notice shall
6 specify the time, date, place, and subject matter of the hearing.

7 Section 43. That Section 2.76.505 of the Lincoln Municipal Code be amended to
8 read as follows:

9 **2.76.505 Disability Retirement.**

10 Any city employee, except employees covered by the Police and Fire Pension Plans as
11 provided in Chapters 2.62, 2.65, and 2.66 of the Lincoln Municipal Code, may retire upon written
12 request when it is in the best interest of the city upon a determination that the employee is unable
13 to engage in any substantial gainful employment by reason of any medically determined physical
14 or mental impairment that can be expected to result in death or which has lasted, or can be expected
15 to last, for a continuous period of not less than twelve months. Entitlement to disability retirement
16 shall be based on a competent medical opinion as evaluated by the ~~Personnel~~ Human Resources
17 Director and/or applicable titles of the Federal Social Security Act with the approval of the depart-
18 ment head and the Mayor.

19 Section 44. That Section 2.76.515 of the Lincoln Municipal Code be amended to
20 read as follows:

21 **2.76.515 Personnel Records.**

22 The ~~Personnel~~ Human Resources Department shall be the central repository for all such
23 personnel files and records as the director deems necessary.

1 Section 45. That Section 2.76.530 of the Lincoln Municipal Code be amended to
2 read as follows:

3 **2.76.530 Public Records.**

4 Except for examinations, personal histories, salary and fringe benefit surveys, and inquiries
5 made for the purpose of labor negotiations or judicial hearings, and such other confidential papers
6 as may otherwise be specified in these rules or by action of the director, records of the ~~Personnel~~
7 ~~Office~~ Human Resources Department shall be public records. Such records shall be open to
8 inspection by the public during regular office hours, at reasonable times, and in accordance with
9 such procedures as the director may provide.

10 Section 46. That Section 2.76.560 of the Lincoln Municipal Code be amended to
11 read as follows:

12 **2.76.560 Outside Employment.**

13 No full-time employee shall undertake any employment outside of their city employment
14 which is, or can be interpreted to be, inconsistent with or detrimental to their city work. Any em-
15 ployee desiring to engage in outside employment shall submit a “request for approval” to the
16 ~~Personnel~~ Human Resources Director using such form as the director may require. The ~~Personnel~~
17 Human Resources Director may approve or deny such request. The employee may appeal the
18 director’s determination to the Mayor, who may make the final determination in such cases. The
19 employee may be required to discontinue such outside employment or to resign without prejudice
20 from the city service.

21 Section 47. That Section 2.78.010 of the Lincoln Municipal Code be amended to
22 read as follows:

1 **2.78.010 Management Compensation Plan Established.**

2 For the purpose of compensating department heads, administrative assistants to elected
3 officials, and employees with a pay range prefixed by the letter “M” for professional performance
4 in the city service, there is hereby established a management compensation plan to be administered
5 by the Mayor and department heads. The ~~Personnel~~ Human Resources Director shall be responsible
6 for recommending a pay range within which all department heads shall be assigned a rate of pay,
7 a pay range within which all administrative assistants to elected officials shall be assigned a rate of
8 pay, and a pay range for all employees in classifications with pay ranges prefixed by the letter “M”.
9 A pay plan for employees with a pay range prefixed by the letter “M” shall be adopted in accordance
10 with Section 2.76.120 of this code. Such recommendation shall be submitted to the City Council
11 and the pay ranges shall become effective when adopted by the City Council by ordinance.

12 Once adopted, the Mayor shall assign a rate of pay within the established pay plan to each
13 department head; and may adjust the rate of pay for department heads within the established pay
14 range as may be warranted under the circumstances, to adequately reflect appropriate compensation
15 for the quantity and quality of work performed by such department head. The Mayor shall also
16 establish, by executive order, a uniform schedule of fringe benefits to be provided to department
17 heads which benefits may include life insurance, health insurance, disability insurance, pension
18 benefits, and such other and different benefits as the Mayor may deem appropriate.

19 The rate of pay and fringe benefits for an administrative assistant to an elected official shall
20 be assigned by the elected official employing the same.

21 Section 48. That Section 2.78.025 of the Lincoln Municipal Code be amended to
22 read as follows:

23 **2.78.025 Compensation Plan; Variable Merit Pay Plan - DSS and M Pay Ranges.**

24 Notwithstanding any other section of the Lincoln Municipal Code to the contrary, the
25 compensation plan for employees in classifications with pay ranges prefixed by the letters “DSS”
26 and “M” shall provide for the awarding of merit increases within established pay ranges based upon
27 the employee’s level of performance and shall be entitled “the variable merit pay plan.” The specific
28 method of implementing and administering this plan shall be set out in an executive order of the
29 Mayor which shall, among other things, provide for:

30 (a) Variable merit increases of between zero and five percent. Merit increases shall be
31 effective beginning the first full pay period following the established eligibility date;

1 (b) A four and one-half percent increase upon successful completion of the original
2 probationary period with the exception of pay ranges prefixed by the letters “DSS”;

3 (c) Temporary exceptional service awards not to exceed two percent of the employee’s
4 current annualized salary to be paid in two, four, or six pay periods with the exception of pay ranges
5 prefixed by the letters “DSS”;

6 Such increases shall be paid only on recommendation of the department head
7 supported by a convincing showing in writing of exceptional service or unusual circumstances as
8 related to specific criteria to be recommended by each department and approved by the ~~Personnel~~
9 Human Resources Director;

10 The ~~Personnel~~ Human Resources Director shall annually send a written report to the
11 Mayor listing employees approved for exceptional service pay increases.

12 (d) The ~~Personnel~~ Human Resources Director, with the approval of the Mayor, may grant
13 permanent salary increases within the employee’s pay range that are consistent with the spirit and
14 purpose of the merit system provisions of the City Charter if a department head presents written
15 evidence of unusual circumstances. The effective date of any increase granted in accordance with
16 this subparagraph (d) shall be used to establish a new eligibility date, which shall be one year from
17 the effective date of such increase. This subsection applies only to pay ranges prefixed by the letter
18 “M”.

19 (e) The eligibility date for evaluating performance of employees will be determined by
20 completion of the original probationary period, and the effective date of promotion, demotion,
21 reallocation, or layoff, or in the case of a department head or an administrative assistant to an elected
22 official, the date of hire;

23 Employees in pay ranges prefixed by the letter “M” may have their eligibility dates
24 adjusted when necessary or appropriate for proper operation of any goal-oriented employee
25 evaluation program implemented by any department. The department head shall forward a written
26 request for such an adjustment to the ~~Personnel~~ Human Resources Director who may, at his

1 discretion, approve the request. The eligibility date of an employee shall not be adjusted under this
2 subsection more often than once in any twelve-month period;

3 (f) Establishment of a committee to review and approve all merit increases in excess of
4 four percent.

5 Section 49. That Section 4.62.010 of the Lincoln Municipal Code be amended to
6 read as follows:

7 **4.62.010 Police and Fire Pension Plan Investment Board.**

8 (a) A Police and Fire Pension Plan Investment Board (the “board”) is hereby established
9 to oversee investments of the fund’s assets and to direct the City in the making of such investments.
10 Administrative duties to manage and operate the Fund shall be assigned to the ~~Personnel~~ Human
11 Resources Director as Police and Fire Pension Plan Administrator and shall be consistent with the
12 Police and Fire Pension Plan, the Lincoln Municipal Code and City Charter, or other relevant law.
13 The board shall have the responsibility for and direct all investments and reinvestments of the funds
14 of the plan and all sums credited to the fund. The board shall be the final authority on all decisions
15 relating to the Fund’s investments.

16 (b) The Police and Fire Pension Plan Investment Board established pursuant to
17 subsection (a) shall consist of nine members. Two board positions shall be filled by the City
18 Finance Director and the City ~~Personnel~~ Human Resources Director; two board positions shall be
19 elected by secret ballot by the active paid police officers of the City; two board positions shall be
20 elected by secret ballot by the active paid firefighters of the City; and three board positions shall be
21 appointed by the Mayor, after consultation with the other six members, subject to approval by the
22 City Council. The three appointed members shall have at least five years demonstrated experience
23 in financial, actuarial, investment or employee benefit plan matters.

24 The terms of the Police and Fire Pension Plan Investment Board members shall be as
25 follows:

1 (1) The initial term of the members elected by the active paid police officers and
2 firefighters shall be two years; effective September 1, 2011, the initial term of one member elected
3 by the active paid police officers and one member elected by the active paid firefighters shall be
4 three years;

5 (2) The initial terms of the three appointed members shall be two, three, and four
6 years, respectively;

7 (3) The Finance and ~~Personnel~~ Human Resources Directors shall serve a term
8 concurrent with their offices; and

9 (4) All subsequent terms of the members, except the Finance and ~~Personnel~~
10 Human Resources Directors, shall be five years.

11 (5) Five members of the board shall constitute a quorum for the transaction of
12 business and shall have full power to act under the terms of the plan. Five concurring votes shall
13 be required of the board to take action.

14 Section 50. That Section 4.62.015 of the Lincoln Municipal Code be amended to
15 read as follows:

16 **4.62.015 Investment Board; Duties.**

17 It shall be the duty of the Investment Board:

18 (a) To provide oversight and direction to the Plan Administrator with regard to the
19 investment of the funds of the Police and Fire Pension Plan;

20 (b) To promulgate and adopt rules and regulations for the management of the board;

21 (c) To keep a complete record of all proceedings taken at any meeting of the board and
22 to record in writing all actions and decisions of the board;

23 (d) To assure that investment decisions made by it will maintain the Police and Fire
24 Pension Plan's qualified status pursuant to the Internal Revenue Code;

25 (e) To make recommendations regarding possible plan changes only after an actuarial
26 determination that a recommendation is financially feasible;

27 (f) To discharge their duties with respect to the investment of the funds of the Police and
28 Fire Pension Plan solely in the interests of the plan members and their beneficiaries for the exclusive
29 purposes of providing benefits to members and their beneficiaries and deferring reasonable expenses
30 incurred within the limitations and according to the powers, duties, and purposes prescribed by law.
31 The board members shall act with the care, skill, prudence, and diligence under the circumstances
32 then prevailing that a prudent person acting in like capacity and familiar with such matters would
33 use in the conduct of an enterprise of a like character and with like aims.

34 (g) Board members, excluding the Finance and ~~Personnel~~ Human Resources Directors,
35 may be removed by a vote of not less than five members for a failure of fiduciary responsibility.

1 The board, by rule, shall prescribe a procedure for receipt and determination of such charges,
2 consistent with the principals of due process in administrative proceedings.

3 (h) No board member shall be responsible, at his or her own expense, to take legal action
4 to correct the misconduct of any other member of the board. A board member shall have an
5 affirmative obligation, however, to report an allegation of misconduct to the City Council in writing.
6 The City Attorney's Office shall investigate any allegation of misconduct and issue a written
7 response to the Investment Board.

8 (i) All board members shall serve without compensation, although they shall be
9 reimbursed for all necessary expenses authorized by the board. The board shall be permitted to
10 prescribe uniform rules for reimbursement for travel expenditures, where necessary. Board members
11 who are City employees and attend meetings during working hours shall receive regular pay.

12 (j) The board shall biennially select a chairman and a secretary who shall execute all
13 authorized documents on behalf of the board. The board shall keep minutes of all meetings, and the
14 record of any action taken by the board shall be kept in written form and maintained by the board.
15 The board shall have the authority to make uniform rules and regulations necessary to carry out its
16 investment plan, which rules and regulations shall be consistent with the Police and Fire Pension
17 Plan, the Lincoln Municipal Code or City Charter.

18 Section 51. That Section 4.64.020 of the Lincoln Municipal Code be amended to
19 read as follows:

20 **4.64.020 Disability Pension Applications; Procedure; Appeal.**

21 (a) All applications for a disability pension under the Police and Fire Pension Plans shall
22 be made directly to the ~~Personnel~~ Human Resources Director or his designated representative, on
23 such forms as may be required, accompanied by appropriate supporting medical records and other
24 documentation. The ~~Personnel~~ Human Resources Director, or his designated representative, shall
25 review the documentation within ten working days after receipt thereof and shall in all cases make
26 arrangements for an appropriate medical, psychiatric, or other examination of the applicant by a
27 qualified physician, psychiatrist, or other medical professional. The selection of the physician or
28 psychiatrist shall be solely within the discretion of the ~~Personnel~~ Human Resources Director or his
29 designated representative, and may include examination by specialists in the field of the type of
30 injury or disorder upon which the applicant bases his or her application for a disability pension. All

1 costs associated with such medical examinations shall be paid out of the Police and Fire Pension
2 Fund as administrative costs thereof.

3 (b) Upon receipt of reports from the examining physician or psychiatrist, the ~~Personnel~~
4 Human Resources Director shall notify the committee chair who shall call a meeting of the
5 Disability Pension Review Committee for the purpose of reviewing the application, and all
6 supporting medical reports and other documentation. Review of such applications and a
7 recommendation thereon shall be made and forwarded to the Mayor within thirty days after the
8 receipt of the medical or psychiatric reports from the examining physician or psychiatrist; provided,
9 however, said time period for review and recommendation may be extended if, in the opinion of the
10 committee, additional medical, psychiatric, or other examination is necessary to determine whether
11 or not the applicant is entitled to the type of pension requested.

12 (c) In the event that the Disability Pension Review Committee, after receipt and review
13 of all appropriate medical, psychiatric, and other information, determines that the applicant is not
14 entitled to the pension requested, the committee shall, before forwarding the recommendation to the
15 Mayor, advise the applicant thereof in writing and shall provide the applicant an opportunity to
16 appear before the committee, either in person or through a representative, for the purpose of
17 reviewing the determination of the committee and to submit additional relevant information, if any.
18 Thereafter, the Disability Pension Review Committee shall forward either its original or revised
19 recommendation to the Mayor. The Mayor shall review said recommendation and make a determina-
20 tion thereon in the form of a written executive order. The applicant, as well as the chief of the
21 department involved, shall be advised in writing of the determination made by the Mayor in
22 reference to said application. In the event that the determination is made that such applicant is
23 eligible for placement upon the rolls of pensioned police officers and firefighters, such applicant
24 shall be immediately be placed on said rolls and the Finance Director shall be directed to pay such
25 benefits as may be due to the applicant from the Police and Fire Pension Fund.

26 (d) Any review of previously approved disability retirement benefits, as authorized in
27 the Police and Fire Pension Plans, shall be conducted in accordance with the procedure set forth in
28 subsections (b) and (c) above.

29 (e) The findings and determinations made by the Mayor relating to any application or
30 review hereunder shall, for purposes of appeal, be considered a final administrative decision of the
31 City of Lincoln.

1 Section 52. That Section 4.66.040 of the Lincoln Municipal Code be amended to
2 read as follows:

3 **4.66.040 Duties and Powers.**

4 As authorized in this chapter, the Board shall advise the City Council on matters relating to
5 financial audits, internal audits, performance audits, and operational reviews as provided for in this
6 chapter. However, the Board shall not review or recommend an audit of the performance of any
7 particular employee and shall not infringe upon the authority of the Personnel Board, ~~Personnel~~
8 Human Resources Director, a Department head, Mayor, or City Council with respect to personnel
9 matters. Nothing in this chapter shall confer upon the Board or the City any authority to audit
10 governmental organizations not otherwise subject to City audit.

11 The Board shall have the following responsibilities:

12 (a) When directed to do so by resolution of the City Council, determine whether an audit,
13 as suggested in Council's resolution, is appropriate and desirous. In order to make this
14 determination, the Board may consult with departments heads to familiarize themselves with
15 information necessary to make an informed decision on whether and what type of contract audit
16 should be conducted. If the Board determines that such an audit is not appropriate and desirous, the
17 Board shall forward such decision in writing to the City Council.

18 If the Board concludes that such an audit is appropriate and desirous, the Board shall
19 determine what the scope of such audit should be. In recommending the scope of the audit, the
20 Board shall pay particular attention to the anticipated cost to the City for such audit including, but
21 not limited to, the cost of gathering or providing access to records that may be requested by the
22 contract auditor. The Board's recitation of the scope of the audit shall include:

23 (1) Identification of the auditee including, if applicable, what particular function or
24 activity of the auditee should be audited;

25 (2) Whether the contract audit should be a financial audit, an internal audit, a
26 performance audit, an operational review, or any combination thereof;

27 (3) The time span to be covered by the audit; and

28 (4) Whether the contract auditor should be the State Auditor of Public Accounts, or
29 whether the City should pursue a private contractor to serve as contract auditor.

30 The Board shall transmit the scope of the audit, in writing, to the City Purchasing Agent.

31 (b) Evaluate the adequacy of management and financial accounting systems and controls
32 based on the final audit report and any written response thereto furnished by the auditee;

33 (c) Appraise and verify the accuracy of management and financial records, statements and
34 reports based on the final audit report and any written response thereto furnished by the auditee;

35 (d) Report to the Mayor and the City Council, in the form of a board audit report, within
36 sixty days of receiving the final audit report. The Board audit report shall be simultaneously

1 transmitted to the Mayor and the City Council. Three copies of the Board audit report shall be placed
2 on file with the City Clerk for public examination. The board audit report shall include:

3 (1) The Board's findings, based on the final audit report and the response of the auditee
4 as to whether:

5 (i) Activities and programs are being conducted and funds expended in
6 compliance with applicable laws;

7 (ii) Revenues are being properly collected, deposited and accounted for;

8 (iii) Resources are adequately safeguarded, controlled and used in an effective and
9 efficient manner; and/or

10 (iv) There are adequate operating and administrative procedures and practices,
11 systems or accounting internal control systems and internal management controls which have been
12 established by management;

13 (2) A copy of the final audit report and auditee's response thereto;

14 (3) A separate listing, if any, of irregularities or failures to comply with legal or
15 administrative policies; and

16 (4) The Board's recommendations.

17 Section 53. That Sections 14.32.070, 14.57.060 and 27.69.035 of the Lincoln Municipal
18 Code as hitherto existing be and the same are hereby repealed.

19 Section 54. Pursuant to Article VII, Section 7 of the City Charter, this ordinance shall
20 be posted on the official bulletin board of the City, located on the wall across from the City Clerk's
21 office at 555 S. 10th Street, in lieu of and in place of newspaper publication with notice of passage
22 and such posting to be given by publication one time in the official newspaper by the City Clerk.
23 This ordinance shall take effect and be in force from and after its passage and publication as herein
24 and in the City Charter provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2013:

Mayor