

PERSONNEL POLICY BOARD

April 7, 2011

MEETING

Meeting was held Thursday, April 7, 2011, Commissioners Hearing Room, County-City Building, Lincoln, Nebraska.

Members present: Jerry Sellentin, Connie Soucie, Georgia Glass, Kathleen Neary, Doug McDaniel, Randy Goyette. Personnel Department resource staff attending: Karen Eurich.

The meeting was opened at 1:30 p.m. by Chair Georgia Glass.

It was moved by Doug McDaniel and seconded by Jerry Sellentin to approve the minutes of the March 3, 2011 meeting as presented. Voting yes: Jerry Sellentin, Georgia Glass, Doug McDaniel. Absent: Kathleen Neary. Abstaining: Connie Soucie, Randy Goyette.

It was moved by Randy Goyette and seconded by Doug McDaniel to approve the minutes of the December 2, 2010 meeting as presented. Voting yes: Jerry Sellentin, Connie Soucie, Doug McDaniel, Randy Goyette. Abstaining: Georgia Glass, Kathleen Neary.

Agenda Item 1 was the request from EAT to amend Rule 19.2 of the Personnel Rules – Vacation Leave. Jeanne Sayers, representing the EAT group, appeared before the Board. Ms. Sayers referenced that the Rule changes came with two options, and the EAT group was in favor of option 2 more than option 1, if they were to get a choice.

Agenda Item 2 was the request from EAT to amend Rule 19.3 of the Personnel Rules – Sick Leave. Jeanne Sayers, representing EAT, appeared before the Board. The reason for the proposed revisions is to be able to give an incentive to the employees who are not abusers of sick leave that are at work and being productive. Therefore, there are four different options for the sick leave and the addition of a sick leave incentive program, which the County used to have several years ago. Tom Fox of the County Attorney's office reminded the Board that the last time these issues were brought before the Personnel Board, the Board decided that because they are economic in nature that it has to be approved by the County Board for any economic changes, and that the Personnel Board has expressed these concerns in the past when there are economic issues in front of them. Jeanne Sayers indicated to the Board that she was not asking for them to vote on Agenda Item 1 and 2 today, but to consider them over the next several months for possible approval in August, as EAT knows that there are budget concerns and issues in the upcoming months while the County is preparing their next fiscal year budget, and just wants the Personnel Board to think about these changes.

Agenda Item 3 was the request from EAT to revise the Family and Medical Leave Act Personnel Policy Bulletin. Jeanne Sayers, representing EAT, indicated this request was to change the policy so that FMLA is only used for unpaid leave by employees, therefore it is their request to also not count workers compensation or available sick leave and vacation

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leave hours against an employee's FMLA. Tom Fox of the County Attorney's office addressed the Personnel Board, indicating that the federal FMLA regulations allow the employer to choose how to administer FMLA. Tom Fox said the County Board has chosen the current process and at the time that the policy was revised in 2009, they did not choose to change how FMLA is counted at that time. Following discussion, Georgia Glass chose to recuse herself from this issue due to her being the Personnel Director at the time of the policy change several years ago. Vice-Chair Doug McDaniel then temporarily assumed the role of Chair. It was moved by Randy Goyette and seconded by Jerry Sellentin to deny the request from EAT to revise the bulletin and leave the policy as is. Voting yes: Jerry Sellentin, Connie Soucie, Doug McDaniel, Randy Goyette. Voting no: Kathleen Neary. Abstaining: Georgia Glass.

Georgia Glass resumed the role of Chair.

It was affirmed by the Board that Agenda Items 1 and 2 would be tabled at this time per Jeanne Sayers' request.

At this time, Randy Goyette and Connie Soucie excused themselves from the meeting due to their absence from the March meeting, and their inability to vote on Agenda Item 4.

Agenda Item 4 was the continuation of request for appeal hearing – Debbora Day — Veterans' Services. Tom Fox of the County Attorney's Office represented Veterans' Services; Joy Shiffermiller of Shiffermiller Law Office represented Deb Day. The proceedings were recorded by Susan McKenzie of J.S. Wurm and Associates, and are on file in that office. Tom Fox of the County Attorney's Office renewed the request from last meeting to sequester the witnesses, at which time all participants left the meeting room.

Exhibit number 16 was offered by Tom Fox and received by Chair Georgia Glass. Exhibit number 17 and 18 were offered by Joy Shiffermiller and objected to by Tom Fox. Both exhibits were received by Chair Georgia Glass. Witnesses called: Gary Chalupa; Pat Kant; S. Catherine Rech; Debbora Day. Following discussion, it was moved by Jerry Sellentin and seconded by Doug McDaniel to affirm the action of the department head, and therefore uphold the dismissal. Voting yes: Jerry Sellentin, Georgia Glass. Voting no: Kathleen Neary, Doug McDaniel. Due to a tie vote, it was requested by the Board that the attorneys research the matter of a tie vote and what that means for the County and the employee. Therefore a resolution to the appeal will be carried over to the next meeting.

Board member Jerry Sellentin indicated he would be gone on vacation for the regular May meeting. It was therefore determined a special meeting would be scheduled prior to the May 3rd meeting to continue the discussion of the appeal.

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There being no further business, the meeting adjourned at 3:55 p.m.

The next regularly scheduled meeting is tentatively set for Thursday, May 5, 2011.

Karen Eurich
Personnel Operations Specialist

pc: Debbora Day
 Joy Shiffermiller
 Gary Chalupa
 Jeanne Sayers – EAT
 Department Heads