

## ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Chapter 2.76 of the Lincoln Municipal Code relating  
2 to the Personnel System by amending Section 2.76.135 relating to the merit pay plan, Section  
3 2.76.200 relating to temporary assignment in a higher classification, and Section 2.76.380 relating  
4 to sick leave with pay to reflect negotiated changes and changes applicable to employees not  
5 represented by a bargaining unit; and repealing Sections 2.76.135, 2.76.200, and 2.76.380 of the  
6 Lincoln Municipal Code as hitherto existing.

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

8 Section 1. That Section 2.76.135 of the Lincoln Municipal Code be amended to read  
9 as follows:

10 **2.76.135 Compensation Plan; Merit Pay Plan Established.**

11 For the purpose of compensating employees on the basis of progressive improvement in job  
12 or professional performance in the city service, there is hereby established a merit pay plan of the  
13 City of Lincoln which shall consist of established pay ranges for each job classification with  
14 approximate ~~four~~ three and one-half percent merit pay separations therein. Employment will  
15 usually begin at step "A", although candidates for employment with special qualifications may be  
16 employed at an intermediate step in a pay range upon the request of the appointing authority and with  
17 the approval of the Personnel Director. The maximum merit pay rate shall be step "~~H~~" "J". Job  
18 classifications shall have a maximum of ~~eight~~ ten merit pay steps; however, there may be job  
19 classifications where less than ~~eight~~ ten steps may be used to reflect the appropriate minimum and  
20 maximum pay rates. This section applies only to ranges prefixed by "N" or "X".

1                   Section 2. That Section 2.76.200 of the Lincoln Municipal Code be amended to read  
2 as follows:

3       **2.76.200       Compensation Plan; Temporary Assignment in a Higher Classification.**

4                   (a) Any regular employee in a pay range prefixed by "C" or "E" who is assigned temporarily  
5 to work in a permanent position in a class with a higher maximum salary than the maximum salary  
6 of such employee's regularly assigned class and who actually works a minimum of three consecutive  
7 work days in the higher classification in any bi-weekly pay period shall be compensated at the  
8 minimum rate established for the higher class for each consecutive eight hours or more of work  
9 performed during any regularly assigned work shift served in the higher class. If an employee works  
10 more than the three day minimum, that employee shall be compensated for all the time worked in  
11 the higher classification. For the purpose of determining temporary assignment, each payroll period  
12 shall be considered separately. In the event that the minimum salary of the higher classification is  
13 not at least five percent above the employee's current salary, said employee working in a higher  
14 classification for the required time shall be paid for that temporary assignment at the rate of five per-  
15 cent above his current base salary. The employee who is temporarily assigned to serve, and actually  
16 does serve in a higher level position, must have served a thirty-day orientation period for the job in  
17 the higher level position prior to the assumption of that higher level position, and be fully qualified  
18 to perform and must actually perform the full range of duties of the higher level position in order to  
19 be eligible for the additional compensation herein provided.

20                   (b) Any regular employee, in a pay range prefixed by "X" who is temporarily assigned  
21 to work in a permanent position in a class with a higher maximum salary than the maximum salary  
22 of such employee's regularly assigned class and who actually works a minimum of eight or more  
23 consecutive hours in the higher classification shall receive at least a step increase in pay for the

1 original eight consecutive hours worked plus any additional consecutive hours worked in the higher  
2 classification. The employee who is temporarily assigned to serve, and actually does serve in a  
3 higher level position, must be fully qualified to perform the full range of duties of the higher level  
4 position, even though he may not actually perform the full range of duties during the time he is  
5 temporarily assigned to the higher classification. In the event an employee is temporarily assigned  
6 to a higher classification and requests and receives approval for paid leave, such paid leave shall be  
7 compensated at the employee's rate of pay prior to being temporarily assigned to the higher  
8 classification.

9 (c) Project Leader. When an employee is required to perform duties outside of his or her  
10 normal job duties due to special or unusual circumstances, a department head or his or her designated  
11 representative may appoint such employee to serve as a project leader. The appointment shall last  
12 no longer than the length of the project, or for one year, whichever is less. If an employee with a pay  
13 range prefixed by "A", "C", "E" or "M" is appointed as a project leader they shall receive an increase  
14 in compensation of up to ten percent while in the status of project leader. The appointment must be  
15 approved by the Director in whatever form he or she may require.

16 (d) Crew Leader. A department head or his or her designated representative may appoint  
17 any employee to serve as crew leader. The appointment shall last no longer than the length of the  
18 project, or six months, whichever is less. If an employee with a pay range prefixed by an "X" or "N"  
19 is appointed as a new crew leader, they shall receive an increase in compensation of one step above  
20 their current rate of pay, or ~~four~~ three and one-half percent if at step ~~H~~ J. The appointment must  
21 be approved by the Director in whatever form he or she may require.

22 Section 3. That Section 2.76.380 of the Lincoln Municipal Code be amended to read  
23 as follows:

1       **2.76.380        Sick Leave with Pay.**

2               Subsections (a) through (f) shall apply to employees not represented by a bargaining unit.

3               (a)       Amount. Sick leave shall be earned by each employee at the factored hourly equiva-  
4       lent of eight hours for each full month of service or twelve hours for each full month of service for  
5       an employee with a pay range prefixed by "M" who works a fifty-six hour work week. Earnings  
6       shall be computed only for those hours when an eligible employee is in a pay status, excluding  
7       overtime.

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

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

19               Sick leave shall be earned, but not be granted, during the probationary period occurring after  
20       original appointment. An employee must keep his department head informed of his condition. This  
21       shall be on a daily basis unless waived by the department head or designated representative. An em-  
22       ployee may be required by the Personnel Director to submit a medical certificate for any absence.  
23       Failure to fulfill these requirements may result in denial of sick leave. No refund of vacation time

1 shall be allowed due to illness incurred while on vacation leave. Sick leave shall not accrue during  
2 any period of leave of absence without pay.

3 (c) Accumulated sick leave. Unused sick leave may be accumulated to a total of 1,920  
4 hours for an employee with a pay range prefixed by "E"; or "M", "N" or "X"; or 2,880 hours for  
5 an employee with a pay range prefixed by "M" who works a fifty-six hour work week.

6 The accumulation of unused sick leave is unlimited for an employee with a pay range  
7 prefixed by "A", or "C", "N" or "X".

8 (d) Unused sick leave. Upon retirement, death or reduction in force, an employee with  
9 a pay range prefixed by "E" or "M", or the employee's beneficiary, shall be paid one-half of his  
10 accumulated sick leave **for up to** a maximum of 620 hours. An employee with a pay range prefixed  
11 by "M" who works a fifty-six hour work week shall be paid one-half of his accumulated sick leave  
12 **for up to** a maximum of 930 hours. The rate of payment shall be based upon the employee's regular  
13 pay at the time the employee retires, is laid off, or at the time of the employee's death.

14 Upon retirement, death or reduction in force, an employee with a pay range prefixed  
15 by "A", or "C", "N" or "X", or the employee's beneficiary, shall be paid one-fourth of his  
16 accumulated sick leave. The rate of payment shall be based upon the employee's regular pay at the  
17 time the employee retires, is laid off, or at the time of the employee's death.

18 ~~Upon retirement or death, an employee with a pay range prefixed by "N" or "X", or~~  
19 ~~the employee's beneficiary, shall be paid one-fourth of his accumulated sick leave. The rate of~~  
20 ~~payment shall be based upon the employee's regular pay at the time the employee retires or at the~~  
21 ~~time of the employee's death.~~

22 (e) An employee with a pay range prefixed by "E", "M", "A", or "C" may be granted time  
23 off for a maximum of forty hours in each calendar year for illness in the employee's immediate

1 family. An employee with a pay range prefixed by "M" who works a fifty-six hour work week may  
2 be granted time off for a maximum of sixty hours in each calendar year for illness in the employee's  
3 immediate family. Immediate family will also include any other family member, whether it be by  
4 blood, marriage, legal adoption, or foster children, residing in the household. Such time off will be  
5 deducted from the employee's accumulated sick leave. Upon written request from an employee in  
6 the above-referenced pay ranges, the Personnel Director may waive the forty or sixty hour limit after  
7 reviewing the individual circumstances in support of the request.

8 (f) An employee with a pay range prefixed by "N" or "X" may be granted time off for  
9 a maximum of forty hours in each calendar year for illness in the employee's immediate family. For  
10 purposes of this subsection (f), the term immediate family shall include the employee's mother,  
11 father, sister, brother, husband, wife, child, foster child, mother-in-law, father-in-law, **daughter-in-**  
12 **law, son-in-law,** stepmother, stepfather, stepchild, **stepgrandchild,** grandparent, **grandchild,** and  
13 the grandparent of the employee's spouse, **or any other relative residing in the household.** Such  
14 time off will be deducted from the employee's accumulated sick leave. **Upon written request from**  
15 **an employee in the above-referenced pay ranges, the Personnel Director may waive the forty**  
16 **hour limit after reviewing the individual circumstances in support of the request.**

17 Section 4. That Sections 2.76.135, 2.76.200, and 2.76.380 of the Lincoln Municipal  
18 Code as hitherto existing be and the same are hereby repealed.

19 Section 5. That this ordinance shall take effect and be in force from and after its  
20 passage and publication according to law.

Introduced by:

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Approved as to Form & Legality:

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City Attorney

Approved this \_\_\_ day of \_\_\_\_\_,  
2002:

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