

October 13, 2022

TO: City of Lincoln Personnel Board Members

SUBJECT: Personnel Board Meeting
Thursday, October 20, 2022
1:30 p.m., Council Chambers
County-City Building

AGENDA

ITEM 1: Approval of Minutes from the September 15, 2022 meeting.

ITEM 2: Request to create the following classification:

<u>CLASS</u> <u>CODE</u>	<u>CLASS TITLE</u>	<u>PAY RANGE</u>
0029	Litigation Support Paralegal	E12 (\$62,410.40 - \$79,676.48)

ITEM 3: Request to revise and change the pay range of the following classification:

<u>CLASS</u> <u>CODE</u>	<u>CLASS TITLE</u>	<u>CURRENT</u> <u>PAY RANGE</u>	<u>PROPOSED</u> <u>PAY RANGE</u>
0028	Paralegal	X20 (\$56,239.04 – \$70,239.52)	E09 (\$57,536.96 – \$73,446.88)

ITEM 4: Request to revise the following classification:

<u>CLASS</u> <u>CODE</u>	<u>CLASS TITLE</u>
3672	Public Health Laboratory Technician (C17)

ITEM 5: Request to amend Section 2.76.040 of the Lincoln Municipal Code – Definitions

ITEM 6: Request to amend Section 2.76.175 of the Lincoln Municipal Code – Compensation Plan, Promotion, Transfer, Demotion or Temporary Promotion

ITEM 7: Request to amend Section 2.76.340 of the Lincoln Municipal Code – Appointments

ITEM 8: Request to amend Section 2.76.395 of the Lincoln Municipal Code – Vacation Leave with Pay

ITEM 9: Request to delete Section 2.76.410 of the Lincoln Municipal Code – Pregnancy Leave

ITEM 10: Request to amend Section 2.76.430 of the Lincoln Municipal Code – Leaves of Absences, Length of Service

ITEM 11: Miscellaneous Discussion

PC: Directors

ACCOMMODATION NOTICE

The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Lincoln Commission on Human Rights, at 402 441-7624, or the City Ombudsman at 402-441-7511 as soon as possible before the scheduled meeting date in order to make your request.

LITIGATION SUPPORT PARALEGAL

NATURE OF WORK

This is highly responsible, specialized work providing litigation support to attorneys in the Law Department requiring thorough knowledge of legal terminology, court processes, discovery rules, ordinances, statutes, and regulations, confidentiality policies, and ethical considerations and legal review software.

Work will include analyzing and compiling information, preparing drafts of legal documents, interviewing witnesses, coordinating the collection of and conducting the review of evidentiary materials. General supervision is provided by an attorney or other administrative superior, with considerable latitude for exercising independent judgment permitted in areas not involved in legal decision making. Work is reviewed for accuracy, compliance with court and departmental policies and protocols, and results achieved.

EXAMPLES OF WORK PERFORMED

Collects and reviews evidentiary materials for criminal cases including, but not limited to, video, audio, digital, etc. for internal case management and complying with discovery requests.

Communicates with law enforcement on issues of false identity and ensures accuracy and reconciliation between case management and law enforcement; determines additional information needed to ensure successful prosecution.

Coordinates electronic data collections with Information Services and/or other staff as it pertains to e-mail, attachments, OneDrive, Teams, SharePoint, mobile device data, audio, video, or other electronic repositories for import into legal review software. Track electronically stored information (ESI) received, loaded, and produced.

Provides administrative and database management support for electronic discovery software for case templates, creation, and settings for legal review team. Set up standard coding field layouts; reviews and validates dataset after loaded; alert litigation team of issues and assists with technology assisted review processes.

Performs preliminary review to reduce the dataset; trains and assist attorneys in the discovery analysis; creating searches; legal review, tagging, and production. Conducts quality control review of production prior to distribution and documents the activity. Works with technical staff to troubleshoot issues; coordinates the collection of hardcopy and/or electronically stored data required to prepare a variety of legal documents; assists in the preparation of routine legal documents such as pleadings, contracts and other documents; prepares correspondence and reports; reviews data for relevancy.

Communicates with other agencies, law enforcement, and other involved parties to determine additional relevancy of information.

Contacts appropriate personnel or inquire on electronic resources to collect information from other city departments, Register of Deeds, County Assessor, and/or the private sector for information needed to initiate case files, prepare legal documents, respond to discovery, and/or complete investigations for review by attorney.

Investigates and assembles documentation and evidence; assists attorneys in preparing for and conducting cases for trial; creates trial notebook; assists with the preparation of exhibits, instructions, briefs and other documents.

Obtains trial dates and times for court hearings and discovery; files pleadings and other court documents; tracks cases and hearing dates.

Maintains case files and electronic databases related to area of responsibility by updating case information in the appropriate Law Department case management system.

Assists attorneys in the collection of information in preparation for taking depositions; reviews and summarizes depositions; prepares subpoenas; review complex medical records and other associated evidentiary documents; interprets, analyzes, and prepares summaries for attorney review.

Prepares complex electronic discovery productions and privilege log for review by attorney; forwards to the appropriate recipient.

Receives and screens telephone calls from litigants, attorneys, judges, and other persons seeking information; answers routine questions concerning open litigation cases and related matters.

Issues legal holds as directed by an attorney.

Performs related work as required.

DESIRABLE KNOWLEDGE, ABILITIES AND SKILLS

Thorough knowledge of legal terminology; litigation procedure; jurisdiction of the various courts and their respective rules of procedure; and familiarity with legal drafting methods.

Considerable knowledge of hardware and software technology terminology as it relates to electronically stored information (ESI) in the context of e-Discovery for litigation and public record requests.

Considerable knowledge of the use of technology in document generation, case management systems, and litigation support/review software applications; converting and/or scanning documents or photos to a variety of formats; and researching and obtaining information necessary to complete documents.

Considerable knowledge of the jurisdiction of the various courts and their respective rules.

Knowledge of legal research techniques, including computerized research methods.

Ability to locate and interpret statutes, ordinances, judicial decisions, State and Federal laws and regulations and similar legal sources of law based on the context of legal issues presented.

Ability to identify facts/issues which may require further evaluation, and to prepare complex legal documents.

Ability to communicate effectively orally and in writing.

Ability to establish and maintain effective working relationships with the public, co-workers, other city departments, court staff and law enforcement officials.

Ability to understand and follow complex oral and written instructions.

Ability to establish and maintain effective and efficient filing systems.

Skill in the operation of modern office equipment such as a personal computer, facsimile machine, or photocopier.

MINIMUM QUALIFICATIONS

Associate degree in paralegal studies or related field plus four years of experience as a paralegal, legal secretary or similar position in a litigation practice or any equivalent combination of training and experience that provides the desirable knowledge, abilities and skills.

10/22

PS0029

PARALEGAL

NATURE OF WORK

This is highly responsible, specialized work providing legal assistance to attorneys in the Law Department requiring thorough knowledge of legal terminology, court processes, discovery and court rules, ordinances, statutes, and regulations, confidentiality policies, and ethical considerations.

Work will include performing legal research, analyzing and compiling information, preparing drafts of legal documents, interviewing witnesses, and investigating cases. General supervision is provided by an attorney or other administrative superior, with considerable latitude for exercising independent judgment permitted in areas not involved in legal decision making. Work is reviewed for accuracy, compliance with court and departmental policies and protocols, and results achieved.

EXAMPLES OF WORK PERFORMED

~~Researches and analyzes legal sources such as statutes, ordinances, judicial decisions, and administrative regulations (municipal, state, and federal).~~

~~Communicates with law enforcement on issues of false identity; ensures that citations and pleadings are accurately filed.~~

Prepares draft legislation and coordinates workflow as it relates to the City Council, Planning Commission, and other political subdivisions, and coordinates the publishing and updating of the Lincoln Municipal Code and related documents, in hardcopy and electronically.

Prepares rough drafts and finalizes legal documents including legal pleadings, motions, briefs, and discovery requests; contracts, deeds, easements, and general correspondence; and other related complex documents from machine dictation, electronic media, hard copy, or other sources as requested.

Performs preliminary factual research; determines if additional information is required for attorney review; coordinates the collection of hardcopy and/or electronically stored data required to prepare a variety of legal documents; ~~assists in the preparation of routine legal documents such as pleadings, contracts and other documents; prepares correspondence and reports~~; reviews data for relevancy.

Prepares documents in final form for review and signature by staff attorneys; interprets documents submitted to the office for follow-up and additional document preparation.

~~Communicates and takes statements, as necessary, from victims, witnesses, families, administrative and/or service agencies, law enforcement, and other involved parties; takes photographs for use in the preparation of cases; assists with walk-in and out-of-town criminal defendants on legal-process questions; determines what reports, notes or further interviews are needed.~~

Contacts appropriate personnel or inquire on electronic resources to collect information from other city departments, Register of Deeds, County Assessor, and/or the private sector for information needed to initiate case files, prepare legal documents, respond to discovery, and/or complete investigations for review by attorney.

Investigates and assembles documentation and evidence; assists attorneys in preparing for and conducting cases for trial; creates trial notebook; assists with the preparation of exhibits, instructions, briefs and other documents.

Obtains trial dates and times for court hearings and discovery; files pleadings and other court documents; tracks cases and hearing dates.

Maintains case files and electronic databases related to area of responsibility by creating new matters; updating case information; and closing cases in the appropriate ~~Law Department~~ case management system.

Assists attorneys in the collection of information in preparation for taking depositions; reviews and summarizes depositions; prepares subpoenas; review complex medical records and other associated evidentiary documents; interprets, analyzes, and prepares summaries for attorney review.

Prepares discovery productions for review by attorney; forwards to the appropriate recipient.

Receives and screens telephone calls from litigants, attorneys, judges, and other persons seeking information; answers routine questions concerning ordinances and related matters.

Issue legal holds as directed by an attorney.

Performs related work as required.

DESIRABLE KNOWLEDGE, ABILITIES AND SKILLS

Thorough knowledge of legal terminology; spelling, punctuations, and grammar; litigation procedure; jurisdiction of the various courts and their respective rules of procedure; and familiarity with legal drafting methods.

~~Considerable knowledge of hardware and software technology terminology as it relates to electronically stored information (ESI) in the context of e-Discovery for litigation and public record requests.~~

Considerable knowledge of the use of technology in document generation, case management systems, and litigation support/review software applications; converting and/or scanning documents or photos to a variety of formats; and researching and obtaining information necessary to complete documents.

Considerable knowledge of the jurisdiction of the various courts and their respective rules.

Knowledge of legal research techniques, including computerized research methods.

Knowledge of hardware and software technology as it relates to electronically stored information (ESI) in the context of e-Discovery for litigation and public record requests.

Ability to locate and interpret statutes, ordinances, judicial decisions, State and Federal laws and regulations and similar legal sources of law based on the context of legal issues presented.

Ability to identify facts/issues which may require further evaluation, and to prepare complex legal documents.

Ability to communicate effectively orally and in writing.

Ability to establish and maintain effective working relationships with the public, co-workers, court staff and law enforcement officials.

Ability to understand and follow complex oral and written instructions.

Ability to establish and maintain effective and efficient filing systems.

Skill in the operation of modern office equipment such as a personal computer, facsimile machine, or photocopier.

MINIMUM QUALIFICATIONS

Associate degree in paralegal studies or related field plus ~~four~~two years of experience as a paralegal, legal secretary or similar position in a litigation practice or any equivalent combination of training and experience that provides the desirable knowledge, abilities and skills.

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PS0028

PUBLIC HEALTH LABORATORY TECHNICIAN

NATURE OF WORK

This is professional laboratory work involving the performance of routine laboratory tests and analyses within a public health clinic setting serving adults and children.

Work involves responsibility for the performance of routine chemical, physical, microbiology and bacteriological tests. Work also involves preparing solutions, media, and reagents used in various laboratory tests and examinations. Until the more difficult phases of work are learned, employees work under close supervision, but thereafter detailed instructions are received only upon the implementation of changes in procedures and on unusual or difficult matters. Supervision is received from an administrative or professional superior with work being reviewed in the form of reports, conferences, and accuracy of analysis rendered.

EXAMPLES OF WORK PERFORMED

Prepares various solutions, media, and reagents.

Performs clinical laboratory procedures on blood, urine and feces; performs ~~venereal~~sexually transmitted infection screening, ~~electrocardiograms~~, and provides phlebotomy services.

Assists in the research and development of laboratory procedures.

~~Performs chemical and bacteriological testing on water samples.~~

Performs related work as required.

DESIRABLE KNOWLEDGE, ABILITIES, AND SKILLS

Knowledge of standard laboratory principles, techniques, terminology, equipment and materials.

Knowledge of the principles and practices of chemical, physical, and bacteriological tests and analyses.

Ability to apply standardized laboratory principles and practices to various tests, examinations and analyses.

Ability to learn the operation of specialized laboratory equipment.

Ability to understand and follow complex oral and written instructions.

Ability to communicate effectively both orally and in writing.

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

~~DESIRABLE TRAINING AND EXPERIENCE~~

~~Completion of an associate degree from an accredited college or university with major coursework in chemistry, biology, microbiology, clinical applications or related field and experience as a laboratory technician.~~

MINIMUM QUALIFICATIONS

~~Graduation from a senior high school or equivalent supplemented by college level Associate degree with major coursework in chemistry, biology, bacteriology, microbiology or related field or any equivalent combination of training and experience that provides the desirable knowledge, abilities and skills.~~

NECESSARY SPECIAL REQUIREMENTS

~~Technician certification by the American Society of Clinical Pathologists or an equivalent national certifying agency.~~

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

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PS3672

2.76.040 Definitions.

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

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

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

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

Board shall mean Personnel Board.

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

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

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

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

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

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

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

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

Director shall mean the Human Resources Director, or their designee.

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

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

Excluded employee shall mean an employee who is not represented by a bargaining unit due to the confidential nature of work performed. Employees assigned to a pay range prefixed by the letter “E”, “X”, or “W” are considered to be “excluded”.

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

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

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

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

Non-career service positions shall mean a temporary, seasonal, intermittent, full- or part-time position in the unclassified service. The term of employment in these positions will either be of a specific duration of time or for a specific purpose or on an as-needed basis. Remuneration for employees in this category will be limited to pay for time actually worked with no eligibility for other employee benefits, except for police trainees and fire trainees who shall be eligible to participate in the group health, vision, ~~and dental plans,~~ Health Flexible Spending, Dependent Care Flexible Spending, Basic Life, and Employee, Spouse, Children Supplemental Life plans.

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

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

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

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

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

Probationary employee shall mean an employee who has not completed his/her probationary period after original employment.

Probationary period shall mean a working test period during which an employee, newly appointed from a list, is required to demonstrate his/her fitness for a position to which said employee is appointed by actual performance of the duties of the position. The probationary period shall ~~not exceed~~ normally be six months.

Promotion shall mean the movement of an employee from a position of one class to a position of another class having a higher maximum salary rate for which a vacancy exists and is filled through a competitive process.

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

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

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

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

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

Regular employee shall mean an employee who has been appointed to a position in the classified service in accordance with these rules after successful completion of a probationary period.

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

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

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

Temporary employment shall mean:

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

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

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

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

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

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

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

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

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

A promotion for an employee ~~to~~with a pay range prefixed by “X”, “E”, or “W” shall start ~~an~~original promotion probationary period of six (6) months in the higher classification. Prior to the completion of the original promotion probationary period, a performance appraisal shall be completed on the promoted employee and the employee will ~~not~~ be eligible for a one step pay increase if in a pay range prefixed by “E” or “X”, or a 3% increase if in a pay range prefixed by “W”. Such increase shall be effective the first full pay period following the established eligibility date for completion of the original promotion probationary period. If an employee fails to successfully complete the original promotion probationary period, the employee shall be separated from employment.~~retreat to his or her former classification and rate of pay. The date of the retreat shall be used to establish a new eligibility date, which shall be one (1) year from the date of the retreat. In the case of a voluntary demotion for an employee with a pay range prefixed by “W”, the employee concerned shall normally be paid at the same rate in the lower pay range. If the employee’s rate of pay exceeds the maximum rate of the lower pay range, the employee’s rate of pay shall be frozen (red-circled) until such time that the maximum rate, through general increases, makes sufficient upward movement so that it exceeds the employee’s rate of pay. When the maximum rate meets or exceeds the employee’s frozen (red-circled) rate through general increases, the employee’s frozen rate of pay shall then increase to the maximum rate.~~

- b. In the case of demotion for an employee ~~to~~with a pay range prefixed by “N”, “X”, “M” or “E”, the rate of the demoted employee shall be reduced to the next lower step for the lower class and under no circumstances shall the new rate exceed the maximum rate for the lower class in the merit pay plan.
- c. ~~A promotion of any employee during such employee’s probationary period shall have the effect of ending the probationary period for that employee and making such employee a regular employee. However, a reclassification~~ In the case of a probationary employee’s

reallocation to a class with a higher pay range, or the allocation of a probationary employee's classification to a higher pay range position in a newly created class with a higher pay range ~~the employee~~ will continue to serve the remainder of their ~~not terminate the~~ probationary period. The employee's rate of pay due to the reallocation or allocation to the higher pay range will advance in accordance with LMC 2.76.130. The employee will not be eligible to receive a pay increase at the completion of their original initial probationary period. Upon successful completion of the original probationary period, the employee's new eligibility date will be one year from the current eligibility date.

- d. Any regular employee with a pay range prefixed by "P" or "W" may be temporarily promoted to fill a budgeted position which is temporarily vacant and has a higher maximum salary than provided by such employee's current pay range. Such temporary ~~promotion must first be approved in writing by the director only after~~ is subject to the department head determining demonstrates that the employee meets the minimum requirements of ~~is qualified for~~ the vacant position. Once granted, the employee ~~must~~ is expected to perform the duties of the vacant position and shall be paid at the rate of at least ~~5% five percent~~ above the employee's current ~~rate of pay base salary~~, or at the minimum rate of the established range of the vacant position, whichever is greater, ~~but any increase in pay greater than five percent must be approved in writing by the Director~~. No temporary promotion shall be granted for less than forty hours or continue longer than one year from the date of the original assignment unless specifically authorized by the Human Resources Director for a longer period of time, and approval by the Director. ~~In the event an employee is temporarily promoted to a higher classification, and requests and receives approval for paid leave, or there is a Legal Holiday, such paid leave or Legal Holiday shall be compensated at the employee's rate of pay prior to being temporarily promoted to the higher classification.~~
- e. Any regular employee with a pay range prefixed by "A" may be temporarily promoted to fill a budgeted position which is temporarily vacant and has a higher maximum salary than provided by such employee's current pay range. Such temporary ~~promotion must first be approved in writing by the director only after~~ is subject to the department head determining demonstrates that the employee meets with minimum requirements of ~~is qualified for~~ the vacant position. Once granted, the employee is expected to ~~must~~ perform the duties of the vacant position and shall be paid at the rate of at least the next higher step above the employee's current rate of pay which results in at least a 3.25% increase, or at the minimum rate of the established range of the vacant position, whichever is greater, ~~but any increase in pay greater than two steps must be approved in writing by the Director~~. No temporary promotion shall be granted for less than forty hours or continue longer than one year from the date of the ~~original~~temporary assignment unless specifically authorized by the Human

Resources Director for a longer period of time. ~~In the event an employee is temporarily promoted to a higher classification, and requests and receives approval for paid leave, or there is a Legal Holiday, such paid leave or Legal Holiday shall be compensated at the employee's rate of pay prior to being temporarily promoted to the higher classification.~~

- f. Any regular employee, with a pay range prefixed by "M" may be temporarily promoted to fill a budgeted position which is temporarily vacant and has a higher maximum salary than provided by such employee's current pay range. Such temporary ~~promotion must first be approved in writing by the director only after~~ is subject to the department head determining demonstrates that the employee meets the minimum requirements of ~~is qualified for~~ the vacant position. Once granted, the employee must perform the duties of the vacant position and shall be paid at the rate of at least the next higher step above the employee's current rate of pay which results in at least a 3.50% increase, or at the minimum rate of the established range of the vacant position, whichever is greater, ~~but any increase in pay greater than two steps must be approved in writing by the Director.~~ No temporary promotion shall be granted for less than forty hours or continue longer than one year from the date of the temporary original assignment unless specifically authorized by the Human Resources Director for a longer period of time. ~~In the event an employee is temporarily promoted to a higher classification, and requests and receives approval for paid leave, or there is a Legal Holiday, such paid leave and Legal Holiday shall be compensated at the employee's rate of pay prior to being temporarily promoted to the higher classification.~~

2.76.340 Appointments.

a. Probationary appointments.

1. There is hereby established a probationary or working test period which shall normally be of six months' duration after original appointment. During the probationary appointment, which is within the unclassified service, a probationary employee may be dismissed by the appointing authority without the right of the employee to review of any kind. ~~Notice of dismissal within the probationary period may be given to the employee verbally, and no statement of reason to the employee is mandatory on the part of the appointing authority.~~ Notification of any dismissal of a probationary employee shall be made in writing by the appointing authority to the employee and the Human Resources Director, ~~together with a report in writing of the reasons for the dismissal, in order that the Human Resources Director may determine whether or not the name of such dismissed probationary employee should be restored to the eligible list. The Human Resources Director may, if he deems it advisable, restore to its original place on the list the name of any person dismissed during the probationary period; provided, that the name of the person who has been dismissed a second time during a probationary period shall not be restored to a list.~~
2. ~~At least ten working days p~~Prior to the expiration of an employee's probationary period, the appointing authority shall notify the ~~employee~~director in writing whether the services of the employee have been satisfactory and whether the employee will be continued in ~~his~~the position. A copy of this notice shall be placed in the employees personnel file given to the employee by the appointing authority. Upon receipt ~~by the director~~ of a favorable report, the employee will be appointment appointed to a permanent status ~~of the employee shall be made regular~~ at the expiration of the probationary period with an effective date of pay increase the beginning of the pay period following the eligibility date. Failure of the appointing authority to accomplish such notice prior to the last day of the probationary period will result in the employee establishing permanent status automatically.
3. An employee's probationary period may be extended up to a maximum of one year from the employee's date of hire or Promotion with the approval of the department

director head. A performance evaluation and reasons for the extension shall be submitted in writing to the employee prior to the expiration of the employee's probationary period.

The reasons shall include the length of time requested for the extension of the probationary period.

If the extension is granted by the director, the employee shall be notified in writing of the extension and a new eligibility date for review will be set to the extension date.

Prior to the new eligibility date, a performance evaluation will be completed. Upon completion of a satisfactory performance evaluation, the employee shall be removed from probation with an effective date of pay increase the beginning of the pay period following the new eligibility date. A new eligibility date shall be established one year from the current eligibility date.

If the results of the performance evaluation are unsatisfactory, the employee will be dismissed in accordance with 2.76.340 a. 1.

2.76.395 Vacation Leave with Pay.

- a. Amount. Each employee with a pay range prefixed by “A”, “C”, or “E” shall earn vacation leave credit annually as follows:

After original appointment - at the factored hourly equivalent of 88 hours per year.

After five years of service - at the factored hourly equivalent of 120 hours per year.

After ten years of service - at the factored hourly equivalent of 136 hours per year.

After twelve years of service - at the factored hourly equivalent of 148 hours per year.

After fifteen years of service - at the factored hourly equivalent of 168 hours per year.

After twenty years of service - at the factored hourly equivalent of 195 hours per year.

After twenty-five years of service - at the factored hourly equivalent of 200 hours per year.

~~The department head may require that vacation leave be taken not less than one hour at a time.~~

Vacation leave credit shall not accrue during a leave of absence without pay.

- b. Each employee with a pay range prefixed by “N” or “X” shall earn vacation leave credit annually as follows:

After original appointment - at the factored hourly equivalent of 80 hours per year.

After five years of service - at the factored hourly equivalent of 116 hours per year.

After ten years of service - at the factored hourly equivalent of 130 hours per year.

After twelve years of service - at the factored hourly equivalent of 148 hours per year.

After fifteen years of service - at the factored hourly equivalent of 160 hours per year.

After twenty years of service - at the factored hourly equivalent of 196 hours per year.

After twenty-five years of service - at the factored hourly equivalent of 200 hours per year.

~~The department head may require that vacation leave be taken not less than one day at a time.~~

Vacation leave credit shall not accrue during a leave of absence without pay.

- c. Each employee with a pay range prefixed by “M” or “W” shall earn vacation leave credit as follows:

After original appointment - at the factored hourly equivalent of ~~one hundred sixty (160)~~ hours per year.

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

Any employee in a pay range prefixed by "M" or "W" may use vacation during their probationary period upon approval by their supervisor.

Vacation leave credit shall not accrue during a leave of absence without pay.

d. For all probationary employees, ~~V~~vacation leave shall ~~not~~ be granted during the first six months of employment, with the exception of employees in a pay range prefixed by "P". Each department head shall keep records on vacation leave credit and use and shall schedule vacation leave with particular regard to the seniority of employees, to accord with operating requirements, and insofar as possible, with requests of employees.

~~d.e. Employees may request vacation leave up to the amount of the employee's available accrued balance, but may not exceed the employee's accrued balance, upon approval of their manager. Employee leave requests that would result in a negative leave balance will not be approved.~~

e.f. Accumulated leave. An employee may accumulate vacation leave to a maximum of eighty hours over and above the employee's maximum annual earning rate, for employees with a pay range prefixed by "A", "C", "E", "M", or "W".

g. For an employee with a pay range prefixed by "N" or "X", an employee may accumulate leave to a maximum as follows:

Completed Years of Service	Maximum Accumulated Leave
0-5 years	162 hours
6 - 10 years	206 hours
11 - 12 years	220 hours
13 - 15 years	238 hours
16 - 20 years	250 hours
21 - 25 years	286 hours
26 years and up	290 hours

~~f.h.~~ Vacation payout. Any employee who separates from the city service shall be compensated for vacation leave accrued and accumulated to the date of separation. The vacation payout shall occur with the pay date for the pay period in which the separation date occurs. ~~check immediately following separation.~~ In the event the separation is the result of retirement, as defined by the applicable retirement plan, an employee may elect to utilize **vacation** until all accrued vacation has been exhausted.

~~g.i.~~ Vacation Buyout~~Waiving vacation. For the purpose of maintaining necessary personnel on duty to accomplish city work, a department head, with approval of the Mayor, may waive accumulated vacation leave in excess of eighty hours. Waived vacation will be paid to the employee at the employee's usual rate of pay as of the last January 1, provided there are sufficient funds in the department's budget for salaries. When necessary, due to workload requirements, employees may request a vacation buyout of unused accrued vacation time no more than twice per calendar year. Such requests are subject to the approval of the department head and the Human Resources Director provided there are sufficient funds in the department's budget for salaries. Payment for requested hours will be paid at the employee's current base rate of pay. Employees must maintain a minimum of eighty hours available in their vacation balance after payment of the requested buyout hours. Payment shall be made the next available paydate following the completed approvals.~~

~~h.j.~~ Vacation bank payout. For employees maintaining a vacation bank, ~~excluding ranges prefixed by "B" or "F",~~ the employee may request to sell all or part of their bank at ~~the first full pay period in July each year any time.~~ Such request for payment shall be made in writing and approved by the employee's department head and the ~~Mayor~~ Human Resources Director, provided there are sufficient funds in the department's budget for salaries. Payment for requested hours will be paid at the employee's usual-current base rate of pay ~~as of the last January 1.~~ Payment shall be made the next available paydate following the completed approvals.

~~2.76.410 Pregnancy Leave.~~

~~Pregnancy leave shall be subject to the same rules and handled in the same manner as personal illness. An employee shall expend accrued sick leave while such employee is unable to perform her duties because of such pregnancy, as verified by a physician's statement. Prior to the seventh month of pregnancy, the employee shall provide her division supervisor with a statement from her physician indicating a date when she should discontinue working.~~

~~The City shall conform to all requirements of the Family and Medical Leave Act (FMLA). If the employee does not qualify for approved leave under FMLA, she shall obtain a physician's certification of her fitness to return to work. The use of vacation leave with pay, as set forth in Section 2.76.395, and leave of absence without pay, as set forth in Section 2.76.400, may be approved in conjunction with the above use of sick leave.~~

2.76.430 Leaves of Absence; Length of Service.

~~Length of service requirements for increased vacation leave and for other purposes, as specified in these rules, shall have the implication of continuous service with the City of Lincoln. This means employment without a break or interruption; provided, that any absence or authorized leave without pay or by reason of layoffs for thirty calendar days or less shall not affect the continuity of service. Leaves without pay or layoffs for a period in excess of thirty calendar days all suspensions, and all absences without leave shall be deducted in computing the total length of service with the city.~~

Employees who are in a leave without pay status or layoff for longer than 30 consecutive calendar days will have their seniority date and performance eligibility date adjusted, unless the unpaid leave is an approved Family and Medical Leave Act or a Nebraska Fair Employment Practice leave or City Protected Family Leave event.