

July 14, 2023

TO: City of Lincoln Personnel Board Members

SUBJECT: Personnel Board Meeting  
Thursday, July 20, 2023  
1:30 p.m., Council Chambers  
County-City Building

### AGENDA

ITEM 1: Approval of Minutes from the June 15, 2023 meeting.

ITEM 2: Request to revise the following classifications:

<u>CLASS CODE</u>	<u>CLASS TITLE</u>
3690	Animal Control Officer I (N37)
3691	Animal Control Officer II (N55)

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

<u>CLASS CODE</u>	<u>CURRENT CLASS TITLE</u>	<u>NEW CLASS TITLE</u>	<u>CURRENT PAY RANGE</u>	<u>PROPOSED PAY RANGE</u>
0024	Prosecution Assistant	Prosecution Support Specialist	X13(\$47,311.68 - \$59,088.64)	X16(\$50,949.60 - \$ 63,633.44)

ITEM 4: Request to amend Lincoln Municipal Code – 2.76.040 – Definitions.

ITEM 5: Request to amend Lincoln Municipal Code - 2.76.130 – Compensation Plan; Position and Pay Range Allocation.

ITEM 6: Request to amend Lincoln Municipal Code - 2.76.160 – Compensation Plan & Variable Merit Pay Plan – W Pay Ranges.

ITEM 7: Request to amend Lincoln Municipal Code - 2.76.175 – Compensation Plan; Promotion, Transfer, Demotion.

ITEM 8: Request to amend Lincoln Municipal Code - 2.76.200 – Compensation Plan; Temporary Assignment in a Higher Classification.

ITEM 9: Request to amend Lincoln Municipal Code – 2.76.245 – Examinations; Character of Examinations.

ITEM 10: Request to amend Lincoln Municipal Code - 2.76.380 – Sick Leave with Pay.

ITEM 11: Miscellaneous Discussion

PC: Directors  
Barb McIntyre  
City Clerk

### 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.*

## ANIMAL CONTROL OFFICER I

### NATURE OF WORK

This is field work enforcing municipal animal control and licensing ordinances.

Work involves enforcing animal control and licensing ordinances; investigating complaints; issuing citations to pet owners for violations of City ordinances; and providing the general public with information relating to pet owner responsibilities as well as applicable animal control and licensing ordinances. Supervision is received from the ~~Chief Animal Control Officer~~ Animal Control Field Supervisor with work being reviewed in the form of conferences and results achieved.

### EXAMPLES OF WORK PERFORMED

Enforces animal control and licensing ordinances.

Impounds ~~stray, vicious, injured or dead animals including confined or trapped wildlife~~ domestic animals and wildlife as defined in Lincoln Municipal Code Title 6.

~~Responds to and investigates complaints regarding stray, injured or nuisance animals as well as incidents where individuals have been bitten by vicious animals.~~

Responds to all domestic and wildlife calls based on the priority response procedure.

Issues citations to pet owners for violations of ~~City~~ LMC Title 6 ordinances. ~~pertaining to animal control and licensing.~~

Provides testimony in court regarding ordinance violations.

Completes necessary paperwork and files appropriate reports within the required time period.

Makes necessary referrals to the Communicable Disease Supervisor on potential rabies or disease exposures.

Provides the general public with information relating to pet owner responsibilities as well as applicable animal control and licensing ordinances.

Stays current on training requirements and obtains needed certification regarding equipment uses and proper animal handling techniques.

Represents the department at community meetings and with other departments to provide information on programs and services as well as the proper and humane treatment and care of animals.

Works cooperatively with the Capital Humane Society for animal sheltering, care, and quarantines.

Establishes professional work relationships with representatives of other animal welfare and animal rights organizations to facilitate the sharing of information and resources.

Cleans and maintains vehicles, reports problems with equipment.

Conducts daily license defect follow-ups.

Performs related work as required.

## DESIRABLE KNOWLEDGE, ABILITIES AND SKILLS

Knowledge of municipal animal control and licensing ordinances as well as the basis for those ordinances as they pertain to public health.

Knowledge of the geography of the City and the location of major streets.

Ability to apprehend animals including those that are considered ~~vicious~~dangerous.

Ability to establish and maintain effective working relationships with enforcement officials, City Attorney's office, co-workers, and the general public.

Ability to enforce animal control and licensing regulations with courtesy, tact and impartiality.

Ability to communicate effectively both orally and in writing.

Ability to write reports that are fact and evidence based.

Ability to present informational and educational materials effectively to individual animal owners, civic, educational and other interested groups.

## MINIMUM QUALIFICATIONS

Graduation from high school or equivalent plus six months of experience in the care and handling of animals; or any equivalent combination of training and experience that provides the desirable knowledge, abilities and skills.

## NECESSARY SPECIAL REQUIREMENT

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

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## ANIMAL CONTROL OFFICER II

### NATURE OF WORK

This is field work assisting and training subordinate Animal Control Officers and enforcing municipal animal control and licensing ordinances.

Work involves enforcing animal control and licensing ordinances; investigating complaints; issuing citations to pet owners for violations of City ordinances; and providing the general public with information relating to pet owner responsibilities as well as applicable animal control and licensing ordinances. An employee in this classification ~~oversees the field operations of Animal Control Officer I's, and~~ functions as a ~~designated~~ team leader. Supervision is received from the ~~Chief Animal Control Officer~~ Animal Control Field Supervisor –with work being reviewed in the form of conferences and results achieved.

### EXAMPLES OF WORK PERFORMED

Enforces animal control and licensing ordinances; assists in providing training to officers in enforcement of Lincoln Municipal Code and animal ordinances.

Impounds ~~stray, vicious, injured or dead animals including confined or trapped wildlife~~ domestic animals and wildlife as defined in Lincoln Municipal Code Title 6.

Trains new Animal Control Officer I's ~~and ; schedules and coordinates work to be accomplished;~~ functions as a designated team leader.

~~Uses a tranquilizer gun and trains other Animal Control Officer II's in its use.~~

Responds to ~~and investigates complaints regarding stray, injured or nuisance animals as well as incidents where individuals have been bitten by vicious animals~~ all domestic animals and wildlife calls based on the priority response procedure.

Provides testimony in court regarding ordinance ~~and code~~ violations.

Completes necessary paperwork and files appropriate reports within required time period.

Makes necessary referrals to Communicable Disease supervisor on potential rabies or disease exposures.

Issues citations to pet owners for violations of ~~City~~ LMC Title 6 ordinances ~~pertaining to animal control and licensing.~~

Assists Animal Control Officer I's as needed on complex investigations including guiding staff in cruelty, neglect, or dangerous animal investigations.

Provides the general public with information relating to pet owner responsibilities as well as applicable animal control and licensing ordinances.

Assists with safety policy development and compliance.

Represents the department at community meetings and with other departments to provide information on programs and services as well as the proper and humane treatment and care of animals.

Works cooperatively with Capital Human Society for animal sheltering care, and quarantines.

Establishes professional work relationships with representatives of other animal welfare and animal rights organizations to facilitate the sharing of information and resources.

Conducts daily license defect follow-up.

Cleans and maintains vehicles; reports problems with equipment.

~~May assume responsibilities of Chief Animal Control Officer in his/her absence.~~

Performs related work as required.

#### DESIRABLE KNOWLEDGE, ABILITIES AND SKILLS

Considerable knowledge of ~~the Lincoln Municipal Code Title 6 animal control and licensing ordinances as well as the basis for those ordinances as they pertain to public health.~~

Considerable knowledge of the geography of the City and the location of streets.

Ability to apprehend animals including those that are considered ~~vicious~~dangerous.

Ability to establish and maintain effective working relationships with law enforcement officials, City Attorney's Office, co-workers and the general public.

Ability to enforce animal control and licensing regulations with courtesy, tact and impartiality.

Ability to communicate effectively both orally and in writing.

Ability to write reports that are fact and evidence based.

Ability to present informational and educational materials effectively to individual animal owners, civic, educational and other interested groups.

#### MINIMUM QUALIFICATIONS

Graduation from high school or equivalent plus ~~six months~~two years of experience enforcing animal control and licensing ordinances and in training and overseeing the work of subordinate personnel; or any equivalent combination of training and experience that provides the desirable knowledge, abilities and skills.

#### NECESSARY SPECIAL REQUIREMENT

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

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## PROSECUTION ~~ASSISTANT~~SUPPORT SPECIALIST

### NATURE OF WORK

This is specialized legal clerical and administrative work requiring attention to detail and comprehensive problem-solving in a cooperative environment. a high level of attention to detail and knowledge of the legal process.

Work involves responsibility for performing clerical and administrative functions requiring considerable knowledge of City prosecution rules, policies, and procedures, and the integration of those rules, policies and procedures with law enforcement and the criminal justice system. Work also involves utilizing the case management system to create and monitor cases, file documents and update information. Supervision is provided by attorneys and other administrative superiors, but when not explicitly covered by a specific rule or procedure, independent judgement based on this extensive knowledge should be utilized to achieve organizational goals in the most effective manner. ~~assignments in the Prosecution Division of the Law Department, requiring a working knowledge of the prosecutorial function as it relates to County Court and general legal terminology. Work also involves maintaining detailed, confidential case files and records. Supervision is provided by attorneys and other administrative superiors, but limited latitude for exercising judgment exists in this class because of the advanced knowledge of established rules, methods and procedures which is required.~~

### EXAMPLES OF WORK PERFORMED

Responds to questions by interviewing individuals seeking information and researching files and other sources to obtain requested information requiring sufficient knowledge of departmental rules, regulations and procedures, law enforcement processes and the criminal justice system.

~~Receives, screens and forwards telephone calls to appropriate individuals or responds to questions requiring a working knowledge of departmental rules, regulations and procedures, and of the criminal justice system; documents conversations as necessary.~~

Provides legal clerical and administrative support to the department and a specifically assigned attorney(s) to effectuate efficient and ethical prosecutions.

~~Interviews individuals seeking information; researches files and other records to obtain requested information; interprets routine aspects of departmental policies and procedures.~~

Serves as a liaison between the department and/or assigned attorney(s) and the public, law enforcement, defense attorneys, court personnel, witnesses, victims, and other partners.

Reviews police citations, legal documents and other documents for completeness and accuracy; makes corrections, as necessary, and notifies individuals and agencies involved.

Files legal documents, police reports, evidentiary materials and correspondence; locates and retrieves requested material and information from files or other departments.

Prepares court sheets for court sessions; verifies accuracy and appropriate information; documents, sorts and organizes case files.

Utilizes the case management system to create cases, monitor cases through legal processes, create and file documents, update information and other functions as needed.

~~Maintains confidential legal case files; files alphabetically, numerically or chronologically.~~

Enters into, updates and retrieves information from ~~a~~ restricted access ~~computer~~ databases; generates correspondence, legal pleadings and other documents using ~~computer~~ databases.

~~Generates routine correspondence using word processing software.~~

~~Maintains documentation of records and/or reports, ordinance changes, radar certificates, State Health DWI Rules and Regulations, and other records as required.~~

Receives correspondence and documents from the public, law enforcement, and the court, and routes, the information appropriately.

Advances work knowledge by learning new concepts and problem-solving skills in an inquisitive and proactive nature.

Maintains regular and reliable attendance.

Performs related work as required.

#### DESIRABLE KNOWLEDGE, ABILITIES AND SKILLS

Considerable knowledge of the process of the Lancaster County Court and how to retrieve, read, and comprehend information coming out of the JUSTICE system.

Considerable knowledge of the legal process as it relates to the prosecutorial functions in County Court; law enforcement; court and legal terminology; and criminal prosecution methods and procedures.

Considerable knowledge of computer programs such as Microsoft Office, Adobe, Box.com and Roxio, and others. ~~business English, spelling and arithmetic.~~

~~Knowledge of modern law office procedures and standard clerical techniques.~~

Ability to establish and maintain effective working relationships with co-workers, attorneys, ~~interpreters, other agencies,~~ and the general public. ~~in a courteous and tactful manner.~~

Ability to maintain a database ~~written and computerized filing and records~~ system which includes a large volume of varied data of a legal and non-legal nature.

Ability to understand ~~and follow~~ complex oral and written instructions and be receptive to feedback and coaching.

Ability to communicate effectively, both orally and in writing, ~~in order to respond to inquiries.~~

Ability to interpret the relationship of responsibilities within the division as they apply to accepted policies, laws, and regulations, and to make decisions and apply them to work problems.

~~Ability to exercise good judgment, courtesy and tact in receiving callers and visitors.~~

Ability to prioritize workload, respond to interruptions and requests for immediate assistance, and to meet daily deadlines.

~~Ability to proficiently type at least 40 words per minute net after errors.~~

~~Skill in the operation of a personal computer, facsimile machine, photocopier and office automation system.~~

#### ~~DESIRABLE TRAINING AND EXPERIENCE~~

~~Graduation from a senior high school or equivalent supplemented by courses in office technology with a legal focus and experience performing clerical duties in a court clerk=s office or similar experience.~~

#### MINIMUM QUALIFICATIONS

Graduation from ~~a senior~~ high school or equivalent supplemented by courses in office technology and law or criminal justice, with a legal focus; plus two years of clerical or administrative assistance experience in a law office or related legal capacity; or any equivalent combination of training and experience that provides the desirable knowledge, abilities and skills.

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## 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 or their designee.

**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 spouse, child, parent, sibling, grandparent, or grandchild, or any other person under the employee's legal guardianship. Immediate family also includes other family living members living in the employee's same household. ~~This Immediate family~~ includes family members by blood, marriage, adoption, foster, or persons under the employee's legal guardianship.

**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, dental, 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.

**Personnel Department** shall also mean the Human Resources Department.

**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 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.

## 2.76.130 Compensation Plan; Position and Pay Range Allocation.

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

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

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

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

- c. In those cases where a position is reallocated to a classification prefixed by “W” with a higher maximum pay range, the reallocated employee shall be paid at the minimum rate of the new pay range, or five percent above ~~his~~their rate of pay prior to reallocation, whichever is greater. The effective date of the reallocation shall be used to establish a new eligibility date, which shall be one year from the date of the reallocation.

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

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

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

- e. 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 the employee will continue to serve the remainder of their 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 probationary period. Upon successful completion of their probationary period, the employee’s new eligibility date will be one year from the current eligibility date.

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

## **2.76.160 Compensation Plan & Variable Merit Pay Plan – W Pay Ranges.**

Notwithstanding any other section of the [Lincoln Municipal Code](#) to the contrary, the compensation plan for employees in classifications with pay ranges prefixed by the letter “W” shall provide for the awarding of merit increases within established pay ranges based upon the employee’s level of [performance](#) and shall be entitled “the variable merit pay plan.” The specific method of implementing and administering this plan shall be set out in an executive order of the Mayor which shall, among other things, provide for:

- a. Variable merit increases of between zero and five percent. Merit increases shall be effective beginning the first full pay period following the established eligibility date;
- b. A three percent increase upon successful completion of the original probationary period;
- c. Temporary exceptional service awards not to exceed two percent of the employee’s current annualized salary to be paid in two, four, or six pay periods;

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

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

- d. The Human Resources Director, ~~with the approval of the Mayor,~~ may grant permanent salary increases within the employee’s pay range that are consistent with the spirit and purpose of the merit system provisions of the City Charter if a department head presents written evidence of unusual circumstances. The effective date of any increase granted in accordance with this subparagraph (d) shall be used to establish a new eligibility date, which shall be one year from the effective date of such increase.
- e. The eligibility date for evaluating performance of employees will be determined by completion of the original probationary period, and the effective date of promotion, demotion, reallocation, or layoff; Employees in pay ranges prefixed by the letter “W” may have their eligibility dates adjusted when necessary or appropriate for proper operation of any goal-oriented employee evaluation program implemented by any department. The department head shall forward a written request for such an adjustment to the Human Resources Director who may, at ~~his/her~~ [their](#) discretion, approve the request. The eligibility date of an employee shall not be adjusted under this subsection more often than once in any twelve-month period;
- f. Establishment of a committee to review and approve all merit increases in excess of four percent.

<https://linclanc.sharepoint.com/sites/HRHRIS/Shared Documents/General/HRIS/Code/LMC 2.76.160 leg 05-23.docx>

[HRHRIS/Shared Documents/General/HRIS/Code/LMC 2.76.160 leg 01-23.docx](#)

[HRHRIS/Shared Documents/General/HRIS/Code/LMC 2.76.160 leg 01-23.docx](#)

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

- a. In the case of promotion for an employee to a pay range prefixed by "A", "C", "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%.

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%. 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 a pay range prefixed by "X", "E", "N", "A" "C" 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 be eligible for a one step pay increase if in a pay range prefixed by "A", "C", "N", "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.

- b. In the case of demotion for an employee to a pay range prefixed by "A", "C", "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. In the case of voluntary or involuntary demotion for an employee with a pay range prefixed by "W", the rate of pay shall be reduced at least 5%. Under no circumstances shall the new rate exceed the maximum rate for the lower class in the variable merit pay plan.~~

- ~~b. In the case of demotion for an employee to a pay range prefixed by "W", the rate of the demoted employee shall be reduced by 5% or~~

- ~~c. 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 the employee will continue to serve the remainder of their 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 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 is subject to the department head determining that the employee meets the minimum requirements of the vacant position. Once granted, the employee is expected to perform the duties of the vacant position and shall be paid at the rate of at least 5% above the employee's current rate of pay, or at the minimum rate of the~~

~~established range of the vacant position, whichever is greater. 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.~~

- ~~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 is subject to the department head determining that the employee meets with minimum requirements of the vacant position. Once granted, the employee is expected to 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. No temporary promotion shall be granted for less than forty hours or continue longer than one year from the date of the temporary assignment unless specifically authorized by the Human Resources Director for a longer period of time.~~
- ~~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 is subject to the department head determining that the employee meets the minimum requirements of 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. No temporary promotion shall be granted for less than forty hours or continue longer than one year from the date of the temporary assignment unless specifically authorized by the Human Resources Director for a longer period of time.~~



## 2.76.200 Compensation Plan; Temporary Assignment in a Higher Classification, or Project Leader.

- a. Any regular employee ~~in a pay range prefixed by "C"~~ who is temporarily assigned to work in a budgeted position ~~in a class with and has~~ a higher maximum salary than the maximum salary of such employee's regularly assigned class and who actually works ~~at least eight or more consecutive the specified minimum~~ hours in the higher classification shall be compensated at the ~~minimum~~ rate established ~~by pay range, per the below chart. for the higher class, or at the next higher step in the higher class above the employee's current rate of pay which results in at least a 2.75% increase, whichever is greater.~~ The employee who is temporarily assigned to serve, and does serve in a higher level position, must be fully qualified to perform the full range of duties of the higher level position, even though ~~he/she they~~ may not actually perform the full range of duties during the time ~~he/she is they are~~ temporarily assigned to the higher classification. In the event an employee is temporarily assigned 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 temporary assignment~~ rate of pay, ~~prior to being temporarily assigned to the higher classification.~~
- b. ~~Any regular employee, in a pay range prefixed by "N" or "X" who is temporarily assigned to work in a permanent position in a class with a higher maximum salary than the maximum salary of such employee's regularly assigned class and who actually works a minimum of eight or more consecutive hours in the higher classification shall receive at least a step increase or if the employee is at the maximum of the pay range, he/she shall receive a 3.5% increase in pay for the original eight consecutive hours worked plus any additional consecutive hours worked in the higher classification. The employee who is temporarily assigned to serve, and does serve in a higher level position, must be fully qualified to perform the full range of duties of the higher level position, even though he/she may not actually perform the full range of duties during the time he/she is temporarily assigned to the higher classification. In the event an employee is temporarily assigned to a higher classification and requests and receives approval for paid leave, such paid leave shall be compensated at the employee's rate of pay prior to being temporarily assigned to the higher classification.~~
- c. ~~Any regular employee, in a pay range prefixed by "E" who is temporarily assigned to work in a permanent position in a class with a higher maximum salary than the maximum salary of such employee's regularly assigned class and who actually works a minimum of eight or more consecutive hours in the higher classification shall receive at least a step increase or if the employee is at the maximum of the pay range, the employee shall receive a 2.75% increase in pay for the original eight consecutive hours worked plus any additional consecutive hours worked in the higher classification. The employee who is temporarily assigned to serve, and does serve in a higher level position, must be fully qualified to perform the full range of duties of the higher level position, even though he or she may not actually perform the full range of duties during the time he or she is temporarily assigned to the higher classification. In the event an employee is temporarily assigned to a higher classification and requests and receives approval for paid leave, such paid leave shall be compensated at the employee's rate of pay prior to being temporarily assigned to the higher classification.~~

Pay Range Prefixed By	Compensation	Minimum Hours for Payment
'A'	<u>Next higher step that results in at least 3.25%, or minimum of higher classification.</u>	<u>40 hours – maximum of 1 year</u>

<u>'C'</u>	<u>Next higher step that results in at least 2.75% or minimum of higher classification.</u>	<u>8 or more consecutive</u>
<u>'E'</u>	<u>Next higher step that results in at least 2.75% or minimum of higher classification.</u>	<u>8 or more consecutive</u>
<u>'M'</u>	<u>Next higher step that results in at least 3.50%, or minimum of higher classification.</u>	<u>40 hours – maximum of 1 year</u>
<u>'N'</u>	<u>At least one step, minimum of higher classification, or 3.50% if at maximum of pay range.</u>	<u>8 or more consecutive</u>
<u>'P'</u>	<u>At least 5% or minimum of higher classification.</u>	<u>40 hours – maximum of 1 year</u>
<u>'W'</u>	<u>At least 5% or minimum of higher classification.</u>	<u>40 hours – maximum of 1 year</u>
<u>'X'</u>	<u>At least one step, minimum of higher classification, or 3.50% if at maximum of pay range.</u>	<u>8 or more consecutive</u>

b. Project Leader. When an employee is required to perform duties outside of ~~his or her~~ their normal job duties due to special or unusual circumstances, a department head or ~~his or her~~ their designated representative may appoint such employee to serve as a project leader. The appointment shall last no longer than the length of the project, or for one year, whichever is less. If an employee with a pay range prefixed by "W" is appointed as a project leader they shall receive an increase in compensation of up to ten percent while in the status of project leader. If an employee with a pay range prefixed by "A", "C", "E", "X" or "M" is appointed as a project leader, ~~he~~ they shall receive an increase in compensation of two steps above ~~his~~ their current rate of pay while in the status of project leader. The appointment must be approved by the Director in whatever form ~~he~~ they may require.

#### **2.76.245 Examinations; Character of Examinations.**

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- a. Competitive examinations. Examinations shall relate to those matters which fairly test the capacity, merit, and fitness of the persons examined to discharge the duties of the position sought by them. Examinations may be assembled or unassembled and may include written, oral, physical, or performance tests, or any combination of these. They may take into consideration such factors as education, experience, aptitude, knowledge, character, personality, physical fitness as determined by physical and/or medical examination, or any other qualifications or attributes which in the judgment of the director enter into the determination of the relative fitness of applicants.
- b. Promotional examinations. Promotional examinations shall be of like kind and character to those for original appointment to the service. In addition to other factors, promotional examinations shall take into consideration the quality and length of service where records are available to provide the basis for such rating.
- c. Noncompetitive examinations. The director may conduct a noncompetitive promotional examination to establish eligibility for appointment to a higher class in the case of a regular employee whose position is reallocated in recognition of a gradual change in the employee's duties and responsibilities.
- d. Open continuous examinations. When necessary to meet continued requirements for filling positions and there is not available a sufficient number of applicants for a class, the closing date for any examination may be indefinite and applicants may be tested continuously in such manner and at such times and places as the director may provide. ~~No applicant who fails to achieve a passing score in such an open continuous examination may compete again in the written portion of the same examination for a period of six months following the original date of taking the examination.~~
- e. Simplified examination procedure. For positions involving unskilled labor, attendant, or custodial work, when the character or conditions of employment make it impracticable to supply the needs of the service by appointments made in accordance with the procedures prescribed above, the director may adopt or authorize the use of such other procedures as the director determines to be appropriate in order to meet the needs of the service while assuring the selection of such employees on the basis of merit and fitness. Examinations so given shall conform with and utilize such methods, forms, and techniques as the director may require.

### 2.76.380 Sick Leave with Pay.

This section shall apply to probationary and regular employees not represented by a bargaining unit.

- a. Amount. Unrepresented employees, except as provided in paragraph b, shall earn sick leave at the factored hourly equivalent of 3.69 hours per pay period, or 5.54 hours per pay period for an employee who works a fifty-six hour work week. Earnings shall be computed only for those hours when an eligible employee is in a pay status, excluding overtime.
- b. Amount. For employees with a pay range prefixed by "N", sick leave shall be earned at the factored hourly equivalent of 3.89 hours per pay period. Earnings shall be computed only for those hours when an eligible employee is in a pay status, excluding overtime.
- c. When taken. Sick leave may be requested when an employee is unable to perform work duties due to personal illness, medical care or to attend a personal medical appointment. Sick leave may be requested for an immediate family member's, as defined in Section 2.76.040, illness, medical care or to attend the employee's immediate family member's medical appointment. ~~For employees with a pay range prefixed by "M" or "N", immediate family also includes grandparent and grandchild.~~

Sick leave must be earned before it can be granted, and advancing sick leave is prohibited. An employee may utilize no more than the employee's accrued balance of sick leave. When an employee finds it necessary to be absent for any of the reasons specified herein, the employee shall provide information relating to the reason for the sick leave request to the employee's department head in accordance with departmental rules and regulations. Such time off will be deducted from the employee's accrued sick leave balance.

Sick leave shall be earned and may be granted during original probation. An employee must keep their department head informed of their condition. This shall be on a daily basis, unless waived by the department head or designated representative. An employee may be required by the Human Resources Director to submit a medical certification for any absence. Failure to fulfill these requirements may result in denial of sick leave. No refund of vacation time shall be allowed due to illness incurred while on vacation leave. Sick leave shall not accrue during any period of leave of absence without pay.

- d. Accumulated sick leave. The accumulation of unused sick leave is unlimited.
- e. Unused sick leave. Upon retirement, death or reduction in force, an employee with a pay range prefixed by "E", "M", "X" or "W" shall have sixty-five percent (65%) of the employee's accumulated sick leave balance paid into the employee's PEHP premium account. The rate of payment shall be based on the employee's regular hourly rate of pay at the time the employee retires, is laid off, or at the time of the employee's death.

Upon resignation, a regular employee with a pay range prefixed by "E," "X" or "W" shall be paid thirty-five percent (35%) of the employee's accumulated sick leave. The rate of payment shall be based on the employee's regular hourly rate of pay at the time the employee resigns.

Upon retirement, death or reduction in force, an employee with a pay range prefixed by "N", or the employee's beneficiary, shall be paid fifty percent (50%) of the employee's accumulated

sick leave balance paid into the employee's PEHP premium account.. The rate of payment shall be based on the employee's regular hourly rate of pay at the time the employee retires, is laid off, or at the time of the employee's death.

Upon resignation, a regular employee with a pay range prefixed by "N" shall be paid thirty-three percent (33%) of the employee's accumulated sick leave. The rate of payment shall be based on the employee's regular hourly rate of pay at the time the employee resigns.

Upon retirement or death, an employee with a pay range prefixed by "A" or "C", or the employee's beneficiary, shall be paid thirty percent (30%) of the employee's accumulated unused sick leave in cash, and an additional thirty percent (30%) of the employee's accumulated unused sick leave into the employee's [PEHP](#) premium account. The rate of payment shall be based on the employee's regular hourly rate of pay at the time the employee retires, is laid off, or at the time of the employee's death.

Upon reduction in force, an employee with a pay range prefixed by "A" or "C", shall be paid twenty-five percent (25%) of the employee's accumulated unused sick leave in cash, and an additional twenty-five percent (25%) of the employee's accumulated unused sick leave into the employee's PEHP premium account. The rate of payment shall be based on the employee's regular hourly rate of pay at the time the employee is laid off.

Upon resignation, a regular employee with a pay range prefixed by an "A", or "C" shall be paid thirty-five (35%) of the employee's accumulated sick leave in cash. The rate of payment shall be based on the employee's regular hourly rate of pay at the time the employee resigns.