

May 25, 2022

TO: County Personnel Policy Board Members

SUBJECT: Personnel Policy Board Meeting
Thursday, June 2, 2022
12:00 p.m., Commissioners Hearing Room
County-City Building, Room 112

NOTE: Change in start time

A G E N D A

ITEM 1: Approval of Minutes from the May 5, 2022 meetings

ITEM 2: Request to create the following classification:

<u>CLASS CODE</u>	<u>CLASS TITLE</u>	<u>PAY GRADE</u>
5358	Civil Specialist	A19 (\$41,171.52 - \$52,728.00)

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

<u>CLASS CODE</u>	<u>CLASS TITLE</u>	<u>CURRENT PAY GRADE</u>	<u>PROPOSED PAY GRADE</u>
9610	Statistical Modeling Analyst	C23 (\$78,382.72 - \$100,391.20)	C19 (\$68,036.80 - \$87,147.84)

ITEM 4: Request to amend County Rule 1 – Definitions

ITEM 5: Request to amend County Rule 8.2 – Conditions Preliminary to Status

ITEM 6: Request to amend County Rule 17.7 – Rate of Pay as Result of Change in Pay Grade of a Class

ITEM 7: Request for grievance hearing – Jamie Draper – County Engineer

ITEM 8: Request for grievance hearing – Shawn Slezak – County Engineer

ITEM 9: Miscellaneous Discussion

PC: Department Heads
Kristy Bauer
Ashley Bohnet
Rick DeBoer
John Corrigan
Jamie Draper
Shawn Slezak

LANCASTER COUNTY
CIVIL SPECIALIST

NATURE OF WORK

This is responsible work in the Civil division of the Sheriff's Office.

Work involves responsibility for processing Civil service paperwork and maintaining an accurate filing and records retention system; entering information in the NCIC/S protection order file via the NCJIS Portal; entering and modifying information in the CJIS computer system; answering a multi-line telephone system; monitoring Civil radio transmissions; assisting the public at the information counter; registering Sex Offenders and uploading registrations to the State database system; accepting incoming firearms purchase permit applications and criminal history requests, reviewing the permits and requests for accuracy and documenting payments accordingly; and assisting deputies as requested in a variety of duties. Supervision is received from the Support Services Division Civil Unit Sergeant with work being reviewed in the form of adherence to department and applicable law enforcement guidelines.

EXAMPLES OF WORK PERFORMED

Enter, print, issue and provide legal service returns to the appropriate court of jurisdiction those legal documents requested or ordered to be served by the Sheriff's Office. Ensure accurate data entry into the Civil Service System; assist deputies in maintaining service records, routine filing, and yearly file maintenance.

Enter, modify, and clear Protection Order information in the national NCIC/S computer system using State of Nebraska guidelines through the NCJIS Portal; communicate with Crime Analysis as needed to place alert flags in the CJIS computer system.

Answer telephones, accurately provide requested information; transfer calls and take messages, as necessary.

Monitor, send, and receive radio transmissions from Civil deputies.

Enter and retrieve criminal justice information on the CJIS computer system.

Register and maintain information in the Sex Offender Registration database; communicate with Crime Analysis as needed to place alert flags in the CJIS computer system; communicate with the Nebraska Sex Offender Registration Office as required.

Accept firearms purchase permits from the public; review permits for accuracy; and document payments received.

Accept and process criminal history requests and document payments received.

Assist public at the service desk with information and direction.

Perform related work as required.

DESIRABLE KNOWLEDGE, ABILITIES AND SKILLS

Knowledge of modern office equipment, practices, and procedures.

Some knowledge of the operation of a telephone/radio dispatch unit for the purpose of receiving and relaying information.

Some knowledge of the legal process, court proceedings, and the judicial system.

Ability to communicate effectively both orally and in writing.

Ability to establish and maintain effective working relationships with law enforcement officials, co-workers, and the general public, and to deal with public relations problems courteously and tactfully.

Ability to interact with the general public in a professional and courteous manner.

Ability to undertake multiple tasks and prioritize accordingly to complete such tasks.

Ability to efficiently prioritize work assignments and complete work within identified timelines.

Ability to perform routine clerical tasks and maintain routine records.

Ability to adapt to advancements in technology as they become available.

Skill in the operation of multiple word processing, computer database software, and windows-based systems.

Skill in the operation of common office equipment including computer, copier/fax/scanner, and related equipment.

MINIMUM QUALIFICATIONS

Graduation from high school or equivalent including or supplemented by courses in business practices and six months of experience working with a computer system; or any equivalent combination of training and experience that provides the desirable knowledge, abilities, and skills.

NECESSARY SPECIAL REQUIREMENT

Employees in this class working in the Support Services Division of the Sheriff's Office must receive NCIC/NCIS certification as administered by the Nebraska State Patrol within one year of employment.

6/22

PS5358

LANCASTER COUNTY STATISTICAL/MODELING ANALYST

NATURE OF WORK

This is responsible technical work providing statistical data and support to property appraisal personnel.

Work involves maintenance, ~~development and calibration~~ setup and implementation of models for the valuation of all real property in Lancaster County, and implementing and analyzing ~~ratio studies~~ assessment data for all property types to evaluate ~~market~~ trends and data integrity. Work also involves ~~creating and~~ maintaining cost tables, depreciation tables and market and income models in the Computer Assisted Mass Appraisal (CAMA) System and evaluating and enhancing system preference. ~~assisting in identifying coefficients and implementing selection criteria for the CAMA systems market modeling program~~. An individual within this classification will be expected to utilize independent judgment in performing operational tasks with work decisions made in accordance with departmental policies, procedures and State statutes. Supervision is received from an administrative superior with work reviewed in the form of accuracy, results achieved and compliance with departmental and legal requirements.

EXAMPLES OF WORK PERFORMED

Identify and interpret trends, inverse relationships and critical elements in program and administrative data.

Select and apply established mathematical and statistical methods and techniques for use in computing percentages, averages, totals and ratios to meet analytical and interpretation requirements of studies of data.

Summarize statistical data into technical reports, charts, graphs and tables; apply statistical testing techniques to the analysis and interpretation of data; formulate conclusions and calculate probabilities based on data analysis.

~~Develop and m~~ Maintain technical models used in valuing real property; analyze and interpret the validity and accuracy of all market and income models.

~~Establish and e~~ Evaluate the effectiveness of multiple regression models; ~~develop and~~ implement new models as needed.

Implement statistical studies for all types of property characteristics; distribute results to appraisal staff.

Prepare and maintain detailed program and operation documentation.

Evaluate operational effectiveness of hardware and software for purposes of field collection and mass appraisal.

DESIRABLE KNOWLEDGE, ABILITIES, AND SKILLS

Considerable knowledge of the principles, methods, practices and techniques of real property appraisal and assessment.

Considerable knowledge of the principles of random sampling and probability.

Considerable knowledge and technical understanding of appraisal system hardware and software platforms, the methods and techniques of statistical analysis.

Considerable ~~Knowledge~~ knowledge of computerized appraisal systems including applicable software and hardware technology.

~~Knowledge of the applicable statutes governing real property assessment and appraisal.~~

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

Ability to prepare and maintain clear and concise reports and documentation.

Ability to communicate effectively both orally and in writing.

~~DESIRABLE TRAINING AND EXPERIENCE~~

~~Graduation from an accredited four-year college or university with major coursework in statistics, math, business administration or related field plus considerable experience in the appraisal and assessment of real property. Experience utilizing CAMA system modeling in a mass appraisal environment preferred.~~

MINIMUM QUALIFICATIONS

Graduation from an accredited four-year college or university in math, statistics, business administration, data science or related field plus two years of experience appraising real property or performing ~~tax evaluation functions~~ complex data analysis, or any equivalent combination of training and experience that provides the desirable knowledge, abilities and skills.

04/136/22

PS9610

RULE 1 – DEFINITIONS (Revised 06/22)

The following words and phrases when used in these Rules have the following meanings unless otherwise clearly indicated in the context:

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

Appointment means 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 means the Personnel Policy Board.

Certification means the referral of the names of qualified prospective employees by the Human Resources Director on request of the appointing officer for selection to a position in the classified service.

Chief deputy means an individual who serves as first assistant to, and at the pleasure of an elected official.

Class means a group of positions which are sufficiently similar in kind or subject matter of work performed, level of difficulty and responsibility, and qualification requirements to warrant similar treatment in personnel and pay administration, and the same tests of fitness may be applied to each position in the group.

Class description means the written description of a class including 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.

Class title means the official title used in the County pay plan.

Classified service shall comprise all positions not specifically included in the unclassified service.

Continuous examinations are open to all competitors who meet the qualifications of the examination announcement. The examination is administered on a continuing basis, and eligibles are placed on the basis of their final score regardless of the examination date.

County means Lancaster County.

County Board means the County Board of Commissioners of Lancaster County.

Date of employment means the date on which an employee begins service with the County. If an individual is reemployed, only the date of his current employment shall serve as the official date of employment for all personnel transactions, except as otherwise provided in these Rules. This section shall in no way affect those employees who have been given credit for interrupted service prior to the adoption of these Rules, nor those who qualify otherwise under the section relating to layoff.

Demotion means a change in the rank of an employee from a position in one class to a position in another class having a lower pay grade.

Department Head means an elected official or an appointed official serving at the pleasure of the County Board to administer one of the major departments of county government and authorized by the County Board or by state statute to make appointments.

Deputy is a working title for one or more individuals so designated by an elected official.

Disadvantaged person means an individual who is a poor person as defined by the U.S. Department of Labor who does not have suitable employment and who is either (1) a school dropout, (2) a member of a minority group, (3) under 22 years of age, (4) 40 years of age or over, or (5) is disabled.

Dismissal means the termination of employment of an employee for cause.

Elected official means a person elected by the popular vote of the people to serve as the administrator of a major County function. These elected officials are the County Attorney, Public Defender, County Sheriff, County Treasurer, Clerk of the District Court, Register of Deeds, County Clerk, County Assessor, and the County Engineer.

Eligibility date is the employee's anniversary date; the date in which the employee receives his/her annual performance evaluation and potential merit increase. In most circumstances, the eligibility date is the date the employee obtains status in a classified position. (Created 9/01)

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

Eligible list means 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.

Emergency appointment means an appointment without regard to the examination requirements of these Rules to a position by reason of a governmental emergency recognized by the Human Resources Director, which appointment is not to exceed thirty (30) working days in duration and is nonrenewable.

Exempt means an employee who is not eligible for overtime pay as defined in the Fair Labor Standards Act.

Full-time employment means employment in a position which does not normally require less than forty (40) hours work per week or eighty (80) hours every two weeks. (Revised 6/00)

Human Resources Director means the employee designated by the County Board to administer these Rules.

Layoff means 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 means an approved period of time during which the employee is not physically present for work.

Minimum qualifications means the requirements of training and experience, and other qualifications to be measured by any combination of written, oral, or performance examinations, as prescribed for a given class in the County pay plan.

Nonexempt means an employee who is eligible for overtime pay as defined in the Fair Labor Standards Act.

On-call employee means an employee who is employed on an irregular or occasional basis and paid only for actual hours worked.

Part-time employment means employment in a position which normally requires less than forty (40) hours work per week.

Pay grade means the alpha and/or numerical designation assigned to a class in the County pay plan.

Pay period means a two week period of time beginning on Thursday at 0001:00 and ending two weeks later on Wednesday at 2359:00.

Pay status means the eligibility of an employee to receive his regular rate of pay as determined in these Rules.

Personnel file means the electronic file of an employee.

Position description means a collection of duties and responsibilities assigned by the appointing authority to be performed by one individual (whether part-time, full-time, on-call or temporary).

Probationary employee means an employee who has not completed his entrance probationary period after original appointment.

Probationary period means the first designated months of service following appointment to any position in the classified service, an examination period during which the employee can be removed by the Department Head without right to appeal or hearing if his work performance does not meet required standards.

Promotion means a change in rank of an employee from a position of one class to a position of another class having a higher pay grade.

Qualifying for status period means the six months following appointment to a promotional position, as distinguished from a reallocation.

Reallocation means the assignment of a position to a class different from the one to which it was previously assigned.

Recall list means the separate list of names of employees with status who have been laid off through no fault of their own because of lack of funds or work, curtailment of program, or abolishment of organization unit and who have made written request for recall; or the names of persons placed on the list at the discretion of the Human Resources Director in accordance with the provisions of these Rules.

Reprimand means a formal written notice to an employee informing him of the specific manner in which his conduct or work performance does not meet prescribed standards.

Resignation means the termination of employment of an employee made at the discretion of the employee.

Seasonal appointment means an appointment to a position which, although temporary in duration, coincides with a particular season or seasons of the year and may recur regularly from year to year.

Status employee means an employee who after satisfactory completion of the probationary period acquires tenure with all the rights and privileges of an employee in the classified service.

Supervisor as distinguished from lead workers or crew leaders, means any person responsible to a superior for directing the work of others.

Suspension means a forced leave of absence without pay for disciplinary purposes.

Temporary appointment means an appointment to a position created for a defined period of time not to exceed one (1) year.

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

Unclassified position means a position which has been specifically excluded from the classified service by Rule 3 of these Rules.

Work cycle for employees not covered by a contract, pursuant to the Fair Labor Standards Act referencing hospitals and nursing facilities, shall consist of a two week period generally aligned with the pay period and consisting of fourteen (14) consecutive twenty-four hour periods. The work period may incorporate eight, ten or twelve hour shifts. (Created 6/00)

Work week means the one week period of time beginning on Thursday at 0000:01 and ending the following Wednesday at 2400:00. (Revised 6/00)

8.2 Conditions Preliminary to Status (Revised 9/01/06/22)

(a) ~~When an If, in the Department Head's opinion, the~~ employee successfully completes ~~their his~~ probationary period, the Department Head will communicate ~~shall recommend in writing~~ to ~~the~~ Human Resources ~~Director~~ that the employee is eligible to be given status. The employee's salary will advance to the next higher step in the pay grade for ~~their his/her~~ class. The increase in pay shall be effective ~~with the~~ beginning of the pay period ~~immediately following after~~ the date of satisfactory completion of the probationary period. The employee's new eligibility date will be one year from the effective date of obtaining status. Upon successful completion of probation, a position description and performance evaluation of the employee ~~must be submitted to the Human Resources Director~~ will be completed and become part of the employee's personnel file.

(b) An employee who is promoted during the employee's initial probationary period will serve the remainder of his ~~their~~ probationary period in the new classification. The employee's rate of pay ~~due to promotion~~ will advance in accordance with Rule 9.1 (d). ~~Consequently, the The~~ employee ~~is not eligible to will not~~ receive a pay increase at the completion ~~of the of his~~ initial probationary period. Upon successfully completing the ~~promotion probation promotional period, the employee will become a~~ qualifying for status period employee and, the employee's rate of pay will advance one step. ~~and the~~ The employee's new eligibility date will be one year from their current eligibility status ~~date, of qualifying for status.~~

(c) An employee who is in a class that is allocated to a higher pay grade during the employee's initial probationary period will serve the remainder of their probationary period in the higher pay grade. The employee's rate of pay due to the higher pay grade will advance in accordance with Rule 17.7. The employee is not eligible to receive a pay increase at the completion of their initial probationary period. Upon successful completion of probation, the employee's new eligibility date will be one year from the current eligibility date.

~~(e)(d)~~ A probationary employee who is reallocated to a position in a newly created class with a higher pay grade will serve the remainder of ~~the employee's their~~ probationary period in the new classification in accordance with Rule 8.2 (a).

17.7 Rate of Pay as Result of Change in Pay Grade of a Class (Revised 12/9806/22)

In those cases where a class is allocated to a higher pay grade, the employee in the class will be placed in the higher pay grade on shall have his rate of pay increased to that the same step in the higher pay grade that is closest to their current rate of pay, provided this does not result in the loss of pay, in the higher pay grade above his rate of pay they were on prior to the change in pay grade of their his class, or to the minimum rate of the higher pay grade, whichever is greater. If the step in the higher pay grade results in an increase of less than two and one-half percent (2.5%), the employee's rate of pay shall be increased to the next higher step in that pay grade, if available. The employee's new eligibility date shall be one year from the date of the change in pay grade of theirhis class unless the employee is on probation, then the eligibility date will be set in accordance with 8.2 (c). In those cases where a class is allocated to a lower pay grade, the employee in the classification shall normally be paid at the same rate in the lower pay grade. Employees at or above the maximum no rate in the lower pay grade is the same, he shall begin receiving the maximum rate of the lower pay grade twill be placed at the maximum in the lower pay grade. Any change shall be effective the first day of the pay period following the approval of County Board.

OFFICIAL APPEAL FORM

NAME OF EMPLOYEE: Jamie Draper

DEPARTMENT: Engineering

CLASSIFICATION: Equipment Operator

WORK LOCATION/DISTRICT: Roca Shop

STATEMENT OF APPEAL:

List applicable appeal: On 2/28/2022 - 3/4/2022, Jamie ran the motor grader out of the Panama station for a total of 36 consecutive hours. At the time Mr. Draper's classification was an Equipment Operator earning Equipment Operator pay. Operating a motor grader falls under the Senior Operator job description. Therefore, as an Equipment Operator it would fall under Temporary Assignment To A Higher Class (Article 28 of the CBA). Jamie never received his out of class pay for those 36 hours of running the motor grader. By not receiving this out of class pay, the County is in violation of Article 28 of the CBA.

ARTICLE 28 - TEMPORARY ASSIGNMENT TO A HIGHER CLASSIFICATION

Temporary assignment out of class shall mean assignment to an out of class position which is temporarily vacant due to termination, resignation, leave of absence, or initial creation. In the event an employee is directed by management personnel to engage in work having substantially similar duties and responsibilities as those of another permanent position (classification) with a higher maximum salary (out of class work), that employee shall receive at least a step increase in pay during the period he is so engaged in that activity, provided the following is accomplished:

A. The employee is authorized to perform the full range of duties of the out of class work, even though he may not actually perform the full range of duties during the term of that activity; and

B. The employee must perform the out of class work eight (8) or more consecutive hours before being eligible for out of class pay. The employee shall then be compensated for the original eight (8) consecutive hours worked plus any additional consecutive hours he is engaged in the out of class work. In the event an employee is performing out of class work and requests and receives approval for paid leave, such paid leave shall be compensated at the employee's rate of pay prior to the assignment of the out of class work.

2022 APR 20 PM 3:01

CITY - COUNTY PERSONNEL

Examples of out of class pay are for demonstrative purposes, and are not inclusive of all instances when out of class pay may be paid to an employee.

Examples of out of class pay might include an employee working four (4) hours out of class at the end of a shift, returning to work the next day and working an additional four (4) hours out of class. In this example, the employee would be paid out of class pay for the eight (8) consecutive hours of work.

In another scenario, an employee may be assigned to perform out of class work for an eight (8) hour work day. The beginning of the following work day the employee is assigned and performs two (2) hours of out of class work resulting in ten (10) consecutive hours of out of class work. The employee would be paid ten (10) hours of out of class pay in this example.

Exceptions to this Article for receipt of out of class pay may be made or approved by the Human Resources Director.

Adjustment Required: Present our case before the Personnel Policy Board, and retro pay at least one step higher Mr. Draper for those 36 hours of running the motor grader.

I authorize the IBEW Local1536 as my representative to act for me in the disposition of this appeal

SIGNATURE of UNION REPRESENTATIVE: Rick DeBoer

TITLE: Vice President IBEW 1536

DATE: 04/19/2022

THIS STATEMENT OF APPEAL IS TO BE MADE OUT IN DUPLICATE. ALL COPIES ARE TO BE SIGNED BY IBEW REPRESENTATIVE HANDLING THE CASE.

Original: Human Resources

Copy: Department Head

Copy : Local Union Appeal File



Pamela L. Dingman, P.E.
County Engineer

John V. Berry, P.L.S.
Deputy County Surveyor

444 Cherry Creek Road, Bldg. C
Lincoln, Nebraska 68528
Phone: 402-441-7681 Fax: 402-441-8692

April 5, 2022

Jamie Draper
308 East 8th Street
APT. #1
Firth, Ne 68358

RE: Grievance Received March 23, 2022

Dear Mr. Draper,

This letter will serve as a response to a grievance which was presented to me on March 23, 2022 via email, regarding alleged violations with respect to your wages you received for work you performed during the pay period from February 24, 2022 to March 9, 2022.

The facts as provided in the grievance are as follows: On February 28, 2022, you were asked by your supervisor to run the motor grader, which you did for a total of 36 hours during the pay period in question. At that time, your position was Equipment Operator. However, two days prior, you asked for (and received) a voluntary demotion from your position as a Senior Equipment Operator. You took the demotion to the position of Equipment Operator because you said you "no longer wanted to run the motor grader everyday." When you received your pay for the pay period in question, you were paid entirely at your ordinary wage rate as an Equipment Operator, not at a higher wage rate as a Senior Equipment Operator for those hours running the motor grader. You allege that you should have been paid the wage rate of a Senior Equipment Operator for those hours spent running the motor grader. Specifically, you allege your work running the motor grader constituted a temporary assignment to a higher classification and, therefore, failing to pay you the Senior Equipment Operator rate for those hours running the motor grader violated Article 28 of the union contract with the Local 1536 – Engineering of the International Brotherhood of Electrical Workers.

Article 28 of the union contract in part provides:

Temporary assignment out of class shall mean assignment to an out of class position which is temporarily vacant due to termination, resignation, leave of absence, or initial creation. In the event an employee is directed by management personnel to engage in work having substantially similar duties and responsibilities as those of another permanent position (classification) with a higher maximum salary (out of class work), that employee shall receive at least a step increase in pay during the period he is so engaged in that activity, provided the following is accomplished:

A. The employee is authorized to perform the full range of duties of the out of class work, even though he may not actually perform the full range of duties during the term of that activity; and

B. The employee must perform the out of class work eight (8) or more consecutive hours before being eligible for out of class pay. The employee shall then be compensated for the original eight (8) consecutive hours worked plus any additional consecutive hours he is engaged in the out of class work.

Pursuant to this Article, to receive out-of-class pay, you must have been not only authorized to do just one duty, which was ordinarily performed by the Senior Equipment Operator, but you also must have been authorized to perform the "full range of duties" assigned to that position. But in your grievance, you do not allege you were authorized to "perform the full range of duties" assigned to the Senior Equipment Operator—and you were not. When you were asked to run the motor grader, you were not asked to serve in the capacity as a Senior Equipment Operator, nor were you authorized to perform all the various functions of that position. For this reason alone, your grievance should be denied.

The only activity you performed which you allege constituted "out-of-class work" was running the motor grader. However, that activity is not only conducted by Senior Equipment Operators but also by Equipment Operators. Specifically, the position description for Equipment Operator provides:

ACTIONS NECESSARY TO MEET RESPONSIBILITIES

Operate various types of maintenance and automotive equipment properly and safely.

...

Operate all equipment used to haul, move, load, and spread rock and gravel. . . . [and]

Operate all equipment used to haul, move, and load dirt for County projects.

Thus, your current position description dictates that you will be operating equipment, such as a motor grader. Because running a motor grader is contemplated within your position description, it cannot be considered work that earns out-of-class pay. In fact, as a matter of practice, Equipment Operators in our office can and do operate motor graders.

For the foregoing reasons, I am denying the grievance.

Sincerely,



Pamela Dingman
Lancaster County Engineer

Cc: Lori Carnahan, Human resources Director
Eric Synowicki, Deputy County Attorney

SENIOR EQUIPMENT OPERATOR (4523 G14)

NON 7032 DL/CDL-A

RESPONSIBILITIES

I. Essential Job Functions

1. Operate various types of maintenance and automotive equipment properly and safely. Lift equipment/items related to job functions including lifting motor grader blades, bags of asphalt, bags of concrete, bundles of materials, and snow fence. (up to 100 LBS.)

Possess and maintains a valid Commercial Driver's License (CDL) Class A with tanker endorsement.

12 POINTS

2. Perform general and preventative maintenance on vehicles and equipment safely, correctly, and in the time required.

4 POINTS

3. Perform general road maintenance duties safely, correctly, and in the time required.

4 POINTS

4. Attend work during emergency situations.

3 POINTS

5. Maintain a safe working environment. Perform a variety of miscellaneous duties, training, and classes to ensure the effective and safe operation of the department.

3 POINTS

6. Perform daily tasks with minimal supervision in a safe, proper, and timely manner. Acts with professionalism and respect at all times in the work environment.

3 POINTS

II. Non-Essential Job Functions

7. Perform general upkeep of duties and complete other duties as assigned.

1 POINT

ACTIONS NECESSARY TO MEET RESPONSIBILITIES

- a. Operate all equipment used to haul, move, load and spread rock and gravel.
 - b. Operate all equipment used for snow removal; plow/remove snow from roadways, apply salt/sand and brine to roadways.
 - c. Operate all equipment used to mow grasses and weeds along the shoulders of the roadway and into the right-of-way area.
 - d. Operate all equipment used to cut down of trees and clearing of brush; treat stumps with chemicals.
 - e. Operate pickup trucks, flatbed trucks, truck & trailer, and any other CDL rated equipment.
 - f. Safely transport and operate equipment that require the use of a trailer (cimeline, asphalt trailer, tilt top, 5th wheel, lowboy).
 - g. Operate all equipment used to haul, move, and load dirt for County projects.
 - h. Maintain and operate motor grader, which includes, changing motor grader blades, usually in inclement weather by unbolting and lifting the old blades off and putting new blades back on the moldboard.
 - i. Cut weeds on shoulder of roads by using grader.
 - j. Maintain roadways by using motor grader blade.
 - k. Report equipment, building, and property malfunctions, damages, and/or breakage to direct supervisor in a timely manner.
 - l. Operate all equipment to remove, repair, and replace pavement and culverts, which includes operating a tamping machine to compact earth and operating an asphalt roller to roll and pack new asphalt.
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- a. Make minor repairs when practical; perform routine preventative maintenance on equipment operated such as: fueling/washing equipment, checking and changing oil, fluids, and filters; apply lubrication, inspect/change tires, etc.
 - b. Check fluid levels in trucks and equipment daily.
 - c. Perform general building and grounds repairs.
-
- a. Assist in hooking up attachments, including plows, retrievers, profilers, etc.
 - b. Remove, repair, and replace damage signs.
 - c. Assist backhoe operator in removing and replacing culverts.
 - d. Install and remove fence. Replace damaged signs by bolting signs to the posts.
 - e. Lead other employees when working together on projects, regrading a road, tree removal, ditch cleaning, asphalt repair, etc.
-
- a. Assist with emergency operations such as, snow removal, debris removal, sign replacement, flooding, etc.
 - b. Attend work when requested to report for duty during emergency events.
-
- a. Be aware and familiar with surroundings, hazards, and conditions when operating equipment, vehicles, and tools including: familiarity of acceptable operational parameters according to the manual(s); report any concerns to your supervisor immediately to ensure the safety of self, others, equipment, vehicles, and tools.
 - b. Safely and properly operate equipment, vehicles, and tools without causing damage and always ensure the proper use of seatbelt(s); report any incidents immediately to your supervisor.
 - c. Review all safety manual(s) before operating any equipment, vehicles, and tools; ensuring thorough familiarity with said items; inspect all equipment, vehicles, and tools prior to operating and after operating; report any problems, damages, or concerns immediately to your supervisor.
 - d. Attend all requested and required meetings and training including but not limited to; flagger, safety, equipment, soil compaction training, SPCC, etc. (This list is not all-inclusive).
-
- a. Keep assigned County vehicles, tools, and equipment in a clean and safe operating condition.
 - b. Develop and maintain positive working relationships with supervisors, coworkers, and external citizens; respond positively to requests for assistance.
 - c. Enter daily time and any leave request via payroll software and submit for approval.
 - d. Possess computer skills to perform related work as required.
 - e. Ensure proper usage of Personal Protective Equipment (PPE).
 - f. Perform work assignments with minimal supervision.
 - g. Fill out proper book for lubricants, diesel fuel, and gasoline used.
 - h. Fill out daily time sheet and daily traffic sign reports in an accurate and timely manner.
 - i. Maintain good attendance, arrive on time, complete shift, and work overtime when needed.
-
- a. Complete other duties as assigned.
 - b. Keep building and work area clean.
 - c. Assist in training personnel as needed.

EQUIPMENT OPERATOR (4520 G10)

NON 7032 DL/CDL-A

RESPONSIBILITIES

I. Essential Job Functions

1. Operate various types of maintenance and automotive equipment properly and safely. Lift equipment/items related to job functions including lifting motor grader blades, bags of asphalt, bags of concrete, bundles of materials, and snow fence. (up to 100 LBS.)

Possess and maintain a Commercial Driver's License (CDL) Class A with tanker endorsement.

12 POINTS

2. Perform general and preventative maintenance on vehicles and equipment safely, correctly, and in the time required.

4 POINTS

3. Perform general road maintenance duties safely, correctly, and in the time required; do not use any equipment, vehicles, or tools for personal use.

4 POINTS

4. Attend work during emergency situations.

3 POINTS

5. Maintain a safe working environment. Perform a variety of miscellaneous duties, training, and classes to ensure the effective and safe operation of the department.

3 POINTS

6. Perform daily tasks with minimal supervision in a safe, proper, and timely manner. Acts with professionalism and respect at all times in the work environment.

3 POINTS

II. Non-Essential Job Functions

7. Perform general upkeep of duties and complete other duties as assigned.

1 POINT

ACTIONS NECESSARY TO MEET RESPONSIBILITIES

- a. Operate all equipment used to haul, move, load, and spread rock and gravel.
 - b. Operate all equipment used for snow removal; plow/remove snow from roadways, apply salt/sand and brine to roadways.
 - c. Operate all equipment used to haul, move, and load dirt for County projects.
 - d. Operate all equipment used to mow grasses and weeds along the shoulders of the roadway and into the right-of-way area.
 - e. Operate all equipment used in the cutting down of trees and clearing of brush; treat stumps with chemicals.
 - f. Transport and operate equipment that require the use of a trailer (cimeline, asphalt trailer, tilt top, 5th wheel, lowboy).
 - g. Maintain motor grader, which includes, changing motor grader blades, usually in inclement weather by unbolting and lifting the old blades off and putting new blades back on the moldboard.
 - h. Operate pickup trucks, flatbed trucks, truck & trailer, plow/dump truck, bucket truck, and other CDL rated equipment.
 - i. Report equipment, building, and property malfunctions, damages, and/or breakage to immediate supervisor in a timely manner.
 - j. Operate all equipment to remove, repair, and replace pavement and culverts, which includes operating a tamping machine to compact earth and operating a blacktop roller to roll and pack new asphalt.
- a. Make minor repairs when practical; perform routine preventative maintenance on equipment operated such as: fueling/washing equipment, checking and changing oil, fluids, and filters; apply lubrication, inspect/change tires, etc.
 - b. Check fluid levels in trucks and equipment daily.
 - c. Perform general building and grounds repairs.
- a. Assist in hooking up attachments, including plows, retrievers, profilers, etc.
 - b. Remove, repair, and replace damage signs.
 - c. Assist backhoe operator in removing and replacing culverts.
 - d. Install and remove fence.
- a. Assist with emergency operations such as, snow removal, debris removal, sign replacement, flooding, etc.
 - b. Attend work when requested to report for duty during emergency events.
- a. Be aware and familiar with surroundings, hazards, and conditions when operating equipment, vehicles, and tools including: familiarity of acceptable operational parameters according to the manual(s); report any concerns to your supervisor immediately to ensure the safety of self, others, equipment, vehicles, and tools.
 - b. Safely and properly operate equipment, vehicles, and tools without causing damage and always ensure the proper use of seatbelt(s); report any incidents immediately to your supervisor.
 - c. Review all safety manual(s) before operating any equipment, vehicles, and tools; ensuring thorough familiarity with said items; inspect all equipment, vehicles, and tools prior to operating and after operating; report any problems, damages, or concerns immediately to your supervisor.
 - d. Attend all requested and required meetings and training including but not limited to; flagger, safety, equipment, soil compaction training, SPCC, etc. (This list is not all-inclusive).
- a. Keep assigned County vehicles, tools, and equipment in a clean and safe operating condition.
 - b. Develop and maintain positive working relationships with supervisors, coworkers, and external citizens; respond positively to requests for assistance.
 - c. Enter daily time and any leave request via payroll software and submit for approval.
 - d. Possess computer skills to perform related work as required.
 - e. Ensure proper usage of Personal Protective Equipment (PPE).
 - f. Perform work assignments with minimal supervision.
 - g. Fill out proper book for lubricants, diesel fuel, and gasoline used.
 - h. Fill out daily time sheet and daily traffic sign reports in an accurate and timely manner.
 - i. Maintain good attendance, arrive on time, complete shift, and work overtime when needed.
- a. Complete other duties as assigned.
 - b. Keep building and work area clean.
 - c. Assist in training personnel as needed.



OFFICIAL GRIEVANCE

NAME OF EMPLOYEE: Jamie Draper

DEPARTMENT: Engineering

CLASSIFICATION: Equipment Operator

WORK LOCATION: Roca Shop

STATEMENT OF GRIEVANCE:

List applicable violation: ARTICLE 28 - TEMPORARY ASSIGNMENT TO A HIGHER CLASSIFICATION

Temporary assignment out of class shall mean assignment to an out of class position which is temporarily vacant due to termination, resignation, leave of absence, or initial creation. In the event an employee is directed by management personnel to engage in work having substantially similar duties and responsibilities as those of another permanent position (classification) with a higher maximum salary (out of class work), that employee shall receive at least a step increase in pay during the period he is so engaged in that activity, provided the following is accomplished:

A. The employee is authorized to perform the full range of duties of the out of class work, even though he may not actually perform the full range of duties during the term of that activity; and

B. The employee must perform the out of class work eight (8) or more consecutive hours before being eligible for out of class pay. The employee shall then be compensated for the original eight (8) consecutive hours worked plus any additional consecutive hours he is engaged in the out of class work.

Adjustment required: Pay Jamie at least the one step increase in pay for the thirty six (36) hours that he worked out of class, and make Jamie whole again.

IBEW Local 1536 is the representative to act in the disposition of this grievance.

Date: March 22, 2022

Signature of Union Representative: Rick DeBoer

Disposition of Grievance: On February 28, 2022 Jamie was instructed by his supervisor to run motor grader #334 at the Panama station. This is the same motor grader that Jamie had been running almost everyday as a Senior Operator since July of 2020. However, just two days prior to February 28, 2022, Jamie had taken a volunteer demotion to become an equipment operator out of the Roca shop. Since his old job had not been filled yet, Jamie was willing to run motor grader #334 since he knew the machine as well as the area. Jamie ran the motor grader for a total of 36 consecutive hours. Since he was now getting a lower wage as an equipment operator, he made it clear with his supervisor that he would be requesting out of class pay for those 36 hours. When Jamie received his paycheck for that week, he noticed that the 36 hours of out of class pay were not on his paycheck. Jamie took the demotion to Equipment Operator because he no longer wanted to run the motor grader everyday, and by not getting the out of class pay, for those 36 hours, he made less money for doing the same job, with the same machine that he had been doing for the past 18 months. Jamie did talk to his supervisors about this, and he was told that they would look into it, but as of today Jamie has not heard anything back.

**THIS STATEMENT OF GRIEVANCE IS TO BE MADE OUT IN
DUPLICATE. COPIES ARE TO BE SIGNED BY THE IBEW
REPRESENTATIVE HANDLING THE CASE.**

ORIGINAL TO: Department Head

COPY: HR

TIETJEN, SIMON AND BOYLE

Dalton W. Tietjen
Ray Simon (1948-2000)
Lynnette Z. Boyle

Attorneys-at-Law
1023 Lincoln Mall
Suite 202
Lincoln, NE 68508
402-438-1437 • Fax: 402-438-1795
DTietjen555@gmail.com

Historic Library Building
1823 Harney Street • Suite 300
Omaha, NE 68102-1913
402-991-1495
Fax 402-991-1820



To: Human Resources Director
From: Dalton Tietjen
Date: April 4, 2022
Re: Shawn Slezak Grievance Appeal

HAND-DELIVERED

On behalf of Shawn Slezak and IBEW Local 1536, I am forwarding Mr. Slezak's grievance regarding his denial of his 2022 annual step pay increase for hearing before the Lancaster County Personnel Policy Board. The original grievance and the response from Pam Dingman are attached.

Mr. Slezak and the Union request a hearing on this matter, both on the issue of grievability and the substantive issue of the denial of the pay increase. The matter involves denial of a contractually authorized pay increase and is thus clearly within the scope of the definition of grievance contained in Article 20 of the CBA between the parties. The grievance involves interpretation and enforcement of Article 27, Rule 17 and the Human Resources Evaluation Manual guidelines, as described in the grievance itself.

Mr. Slezak wishes to present evidence at a hearing before the Board to establish that the CBA was violated, as were personnel rules, adversely affecting his pay, a fundamental condition of employment. He wishes to establish all of the above, along with the fact that the performance evaluation was done in an unfair manner, violating Rule 17 and thereby denying the contractual pay increase.

Please refer all communication to me, Dalton Tietjen, at the Lincoln office listed above.

cc: Pam Dingman
Eric Synowicki

CITY - COUNTY PERSONNEL
2022 APR 4 PM 1:14

Name of Employee: Shawn Slezak

Department: Engineering

Classification: Equipment Mechanic II

Work Location: Main Shop 444 Cherry Creek Road

Grievance Parties: Pam Dingman Ron Bohaty Eduard Lahmann

Aggrieved Party: Shawn Slezak

Statement of Grievance:

List applicable violation: In my yearly job evaluation I was accused of safety violations such as not properly lifting the Aging Partners busses correctly on the 18,000 lb. Rotary Lift along with also not properly lifting an Engineering pickup on one of the other Rotary lifts, when I was accused of these safety violations during my performance evaluation, I was not given a date or vehicle that these incidents happened on when I asked. I was also informed that I had displayed poor leadership qualities such as talking to other employees about random conversations and or complaints that were work related. I have never been coached or reprimanded on any of the accusations made against me. These things led to a lower job evaluation score which caused me to not meet the minimum points needed for my merit increase. It was unfair and bias due to Ron, Ed and Pam not letting my mechanic supervisor Jay Waegli be part of my job evaluation process which these accusations made against me are false, misleading, offensive and I am being harassed and it has led to a hostile work environment, which is a violation of Lancaster County **Personnel Policy Bulletin #2001-2** from June 2001, Personnel Policy Rules 2.3 (c) III. Harassment Defined. "Harassment is conduct towards another person or identifiable group of persons including, but not limited to, unwelcome comments or other conduct that unreasonably interferes with an individual's work or creates an intimidating, hostile, or offensive working environment." IV. Harassment Prohibited. "Any conduct which constitutes harassment in the workplace, or which contributes to the existence of a hostile working environment as defined herein is hereby expressly prohibited. Any County employee who engages in such conduct shall be subject to disciplinary action including, but not limited to, suspension, demotion, or termination of employment." **Lancaster County Personnel Policy Rule 11.2(h)(4)** "The employee has engaged in any action unbecoming an officer or employee of the County which reflects on the County adversely." **Lancaster County Human Resources Evaluation Manual** Guideline Step 2. "Do not be influenced by one or two unusual incidents, but evaluate in terms of regular day-to-day performance. Do not go beyond the evaluation period in your consideration. An incident that occurred in last year's evaluation period should have no influence on this year's evaluation." Step 4. "Do not consider potential value or ability of the employee. Your evaluation should reflect the level at which the employee is actually performing his duties." Step 6. "The supervisor should use his own judgment when evaluating the employee's work performance. He should not be influenced in his evaluation by the opinion of others." This led to an unfair and bias performance evaluation of my yearly job performance.

Remedy Sought: I would like a fair assessment of my yearly job evaluation with influence of my direct Mechanic Supervisor Jay Waegli and I want time and pay lost to be retroactive back to my yearly employee performance evaluation date of 11/26/2021. I also no longer feel comfortable with Ron Bohaty and Eduard Lahmann having direct supervision over me and I no longer trust them to be part of my evaluation process based on the false accusations and harassment.

Acts of Omission: On Tuesday February 8th I was called into the conference room around 3:15pm for my yearly review with Ron Bohaty the roads superintendent and Ed Lahmann the facilities manager and found it odd that my own immediate mechanic supervisor Jay Waegli was not in the conference room for my yearly review that was due on 11/26/2021 and now 2/8/2022 two and a half months later we were finally getting around to doing it. I found that Eds comments in my review to be false and out of context, in example it was stated by Ed that I need to work on becoming more effective in diagnosing repair issues to prevent the replacement of unneeded parts, not one time since I began my employment here on 5/26/2015 have I been accused of or coached/reprimanded on this accusation. I feel that I am very thorough when it comes to my diagnosis of repairs. I have been a mechanic for 21 years and I have never in those 21 years been accused of installing unneeded parts on vehicles and have always done my very best to preform proper diagnosis to make the proper repairs, I found those comments to be deeply offensive and hostile. On or around October 7th-8th 2021 I had a complex repair to do on Ed Lahmanns work truck and he checked on me several times throughout the day to see how it was coming along and I was giving him updates as to what I was finding and how I was diagnosing the repairs, I ended up getting the vehicle repaired that same day and he was appreciative of my efforts. The next week on Monday October 11th, 2021, at 9:14am Ed Lahmann sent me an email and he Cc: Jay Waegli, Ron Bohaty and Pam Dingman on the email that said "Shawn, I wanted to take the time to thank you for the hard work on unit 0008. This was a difficult repair, requiring a high level of skill and knowledge. Your determination to correctly diagnose and repair the unit without just throwing parts at it was above and beyond. It is a Mechanic like yourself that are true Technicians. Thank you for what you do on a day to day to keep our fleet running safe." This email took place one month and fifteen days before my yearly performance evaluation date of 11/26/2021. Ed also stated that he would like to see me communicate with my supervisor Jay Waegli to let him know the status of the repairs. I communicate almost hourly with Jay on where the status of most all vehicle repairs is. In my evaluation meeting with Ron and Ed I was told that I violated a few safety concerns when it comes to lifting vehicles on the Rotary lifts, one example I was told from Ron that when I lift the aging partners busses that the right front hoist arm hits the external battery box/bottom of the walk-in door on the busses. I asked if there was a date and time of this safety concern, and he couldn't provide me with that information. I explained to them that this was an ongoing issue and that it has been discussed with my past supervisor Bill Fleisher, current supervisor Jay Waegli and Ron Bohaty ever since the hoist was installed and it was due to several factors, for example the hoist arms lift at different rates when lifting a heavy load and causing the bus to lean to the right side when the vehicle comes off the ground and it was an obvious safety concern that we discussed on several occasions. Also, the body on the busses are much wider than the frame and the lift point on the frame is so much farther inboard that due to the way the body is designed there is no way to get around the clearance issue with the hoist arm and body. Phil, myself and Jay have tried several different methods of trying to lift these busses so there was no contact with the body of the bus and we just couldn't find any way around this issue so on 2-11-21 Jay called Midwest pump and had

them come out on 2-17-2021 to have them adjust the lift because the right side of the lift was lifting at a different rate than the left side and we had a bus here the day Midwest was here so they could see what we were talking about and we spent a half a day with them trying to get this issue resolved and Midwest pump concluded that after trying to adjust the hoist arms that there is no fix for this due to the uneven weight distribution of the way the busses are designed. After Ron and I discussed this issue during my evaluation Ron told me that he pulled one of these busses in after work himself and he had no clearance issues when lifting one of these busses, I asked which number of bus it was and what day and he couldn't provide me any of that information. I was also accused by Ron and Ed of lifting a pickup on one of the other Rotary lifts unsafely and when I got the truck in the air that the truck was really back heavy and that it appeared to be a safety concern that the truck could potentially fall off of the back of the lift and that I waited too long before I put a tripod jack under the back of the truck for support, I asked what truck/date that was on because I did not recall this happening and Ron and Ed couldn't provide me with any more information on that incident. These false safety concerns are a violation on Lancaster County Human Resources Evaluation Manual Guideline Step 2. "Do not be influenced by one or two unusual incidents, but evaluate in terms of regular day-to-day performance. Do not go beyond the evaluation period in your consideration. An incident that occurred in last year's evaluation period should have no influence on this year's evaluation." I have never been accused of doing this before and I have never been coached/reprimanded for this and if it was a safety concern why wasn't it told to me the day the incident happened if loss of life could have been the result if the truck was at risk of falling off the lift? Ron also stated in my performance evaluation that I made some mistakes this last year and received coaching for my productivity which I find to be false. My supervisor Jay Waegli has never coached me on my productivity, and I have never missed a deadline on getting a repair finished on a vehicle due to my productivity.

I was also told in my performance evaluation meeting that I need to really cut down on conversation time with tool vendors and other reps like our BG product rep. I was told my Ron and Ed that if vendors have a new product, they need to talk with Jay Waegli about it and if they have a product that want to show us that Jay can line up a day for the vendor to come in and show the whole shop. I felt was unfair due to just finding out about a new engine oil flush product that BG sells and actually getting to use it on Rons work Tahoe due to a valvetrain noise which after I did the flush on the engine I believe it fixed the issue and saved that vehicle (Tahoe 1-0024) from going to the auction and having to be replaced its now getting sent across the street to office personnel. A few weeks later I was able to use this same method and product on a 2010 chevy truck for property management due to an engine oil consumption issue but I made sure that other technical service bulletins for this issue were already performed so I wasn't wasting time and money and I was very thorough with my supervisor about doing this in a step by step process and I even priced out the parts/labor and part numbers that I needed to perform this job since it was a complex repair situation. Due to this new product from BG and myself taking the time to discuss these new products with the sales rep it saved the engineering department and property management around a combined 20,000\$ from having to replace these vehicles in their fleet. This was another violation of Lancaster County Human Resources Evaluation Manual step. 2 "Do not be influenced by one or two unusual incidents, but evaluate in terms of regular day-to-day performance. Do not go beyond the evaluation period in your consideration. An incident that occurred in last year's evaluation period should have no influence on this year's evaluation." Vendors and Sales reps that deal directly to us do not come into the shop very often, so this is an unusual circumstance to actually get to communicate with a vendor on what new products are available to us to help us preform

our job duties. I have often volunteered to help my supervisor Jay with performing job estimates for upcoming jobs when his work load became heavy and on several occasions he allowed me to help him out and he was thankful for the help, I feel like I have a healthy working relationship with my supervisor, we both help each other out when we can to make each other's jobs easier and more efficient Phil and I are in almost constant communication when it comes to communicating where we are at on projects in the shop and upcoming scheduling for vehicle repairs.

I was also accused of taking extended breaks and lunch times talking with other people, we get interrupted often at our lunch hour and breaks with Deputies coming in needing tire repairs and other small repairs. Also, there is always people walking through our work area, ups/FedEx, auto parts delivery people, office staff from across the street and other co-workers coming through during lunch hour and at break time. The day before my review 2/7/2022 I documented Ed Lahmann talking to my co-worker Phil Fleming during his afternoon break at 2:30-2:45pm for an extra 10-15 minutes after break time was up and it was not work-related conversation. Ed admitted to doing this when I asked him about it in my review meeting which I found to be unfair.

Lastly, I was told by Ron Bohaty at the end of my evaluation interview shortly before 4pm on 2/8/2022 that I had till 7:30am Wednesday 2/9/2022 to fill out my comments section in my review that I could fill in whatever comments I wanted but was not allowed to do it on company time and it had to be done outside of regular work hours. I felt that was very unfair due to it only giving me a short amount of time to get my comments documented and back to management by 7:30am 2/9/2022 but it took them two and a half months for them to get my evaluation back to me when my evaluation/probationary date is 11-26 of each year. I also found it unfair that management had my direct supervisor Jay Waegli perform four separate performance evaluations on me to try and get his comments and score to align with managements. After the four failed attempts of management trying to coach my supervisor Jay Waegli into giving me a performance score of less than 90 points and having him alter his comments in the comments section, management decided to remove my supervisor Jay from my performance evaluation. This is a direct violation of Lancaster County Human Resources Evaluation Manual Step 6. "The supervisor should use his own judgment when evaluating the employee's work performance. He should not be influenced in his evaluation by the opinion of others." Since the new review process there has been 3 other mechanics I have spoken with and all 3 told me that Jay got a say in their review and that Jay took part in their evaluation and interview. Ron also stated on my performance evaluation "I believe Shawn is capable of completing a higher volume of work with the shop, tools, and equipment available to him" Lancaster County Human Resources Evaluation Manual Step 4. States "Do not consider potential value or ability of the employee. Your evaluation should reflect the level at which the employee is actually performing his duties." Ron violated this step in trying to judge my potential value and ability to Lancaster County and he didn't take into consideration of the the daily day to day work functions that I perform, which with Ron being the Lancaster County Roads Superintendent he does on work with me on my day to day work duties.

This was my last yearly performance evaluation before I reached the top of my pay scale. My last six yearly performance evaluations have scored between 100-110 points which is well above the minimum of 90 points to get the merit increase. This was the first time in my employment here at the County that I didn't meet the minimum requirements for my merit increase, and this was also the first time my direct supervisor was held out of my performance evaluation. This type of behavior from

management is harassing to me and has created a hostile work environment and is unbecoming of Lancaster County management.

From: Eduard J. Lahmann <ELahmann@lancaster.ne.gov>
Sent: Monday, October 11, 2021 9:14 AM
To: Shawn L. Slezak <SLSlezak@lancaster.ne.gov>
Cc: Jay D. Waegli <JWaegli@lancaster.ne.gov>; Ron L. Bohaty <RBohaty@lancaster.ne.gov>; Pamela L. Dingman <PDingman@lancaster.ne.gov>
Subject: Truck 0008
Importance: High

Shawn,

I wanted to take the time to thank you for the hard work on unit 0008. This was a difficult repair, requiring a high level of skill and knowledge. Your determination to correctly diagnose and repair the unit with out just throwing parts at it was above and beyond. It is a Mechanic like yourself that are true Technicians. Thank you for what you do on a day to day to keep our fleet running safe.

Ed Lahmann
Facilities Manager
Lancaster County Engineering
402-441-7798 (Direct)
402-540-0998 (cell)



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2255 S. 7th Street
Lincoln, NE 68502
P: (402) 476-6681
F: (402) 476-6683
info@mwpetroleum.com

Service Invoice

Invoice#: 8852

Date: 02/17/2021

Due Date: 03/04/2021

Billed To: Lancaster County Shop
444 Cherry Creek Road
Building C
Lincoln NE 68528

Project:
444 Cherry Creek Road
Building C
Lincoln NE 68528

Service Date: 02/17/2021

Employee: Richard Roberts

Order#:

Part#	Description	Unit	Quantity	Price	Amount	Taxable
	Lift Inspection - Two Installers	Hr	3.00	150.00	450.00	N
	Scissor Lift	Day	0.50	150.00	75.00	N

Notes:

2/11/21 - Jay called:

1. The 14-ton hoist need to be calibrated. One side is moving faster than the other.

02/17/21

Inspected hoist, and found leveling issues was due to unevenly distributed vehicle weight. Showed them how to use the air locks which will provide better support for leveling the vehicle. Columns were checked for level. Used scissor lift to check hoses to make sure no leaking. Everything looked good.



Non-Taxable Amount:	525.00
Taxable Amount:	0.00
Sales Tax:	0.00
Amount Due	0.00

Thank you for your prompt payment!



Pamela L. Dingman, P.E.
County Engineer

444 Cherry Creek Road, Bldg. C
Lincoln, Nebraska 68528
Phone: 402-441-7681 Fax: 402-441-8692
Email: coeng@lanaster.ne.gov

March 22, 2022

Shawn Slezak
87 N Street
Milligan, NE 68406

RE: Grievance Received March 1, 2022

Dear Mr. Slezak,

This letter will serve as a response to a grievance which was presented to me on March 1, 2022 via email, regarding alleged violations with respect to your performance evaluation conducted on February 8, 2022. However, your grievance regarding your performance evaluation does not allege any violation of the applicable union contract (between IBEW-Engineering and Lancaster County). As such, the Lancaster County Personnel Policy Board has long held that performance evaluations may not be grieved pursuant to the Board's policy, its own rules, and the union contract.

Additionally, pursuant to the union contract, Article 6, Section G gives management "[t]he right to determine, establish, set, and implement policies for the selection, training and performance of employees." Lancaster County Personnel Rule 10.7 further provides, "the Human Resources Director shall, in cooperation with Department Heads and others, develop, adopt, and maintain a system of appraising the performance of employees in the classified service" giving "consideration to the quality and quantity of work done." Evaluating and rating an employee's performance are clearly within management rights, requiring judgment on behalf of the applicable supervisors.

For the foregoing reasons, I am denying the grievance.

Sincerely,

Pamela Dingman, PE
Lancaster County Engineer

Human Resources Director
Eric Synowicki, Deputy County Attorney